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THE stage-management of Mr. Bryan's resignation could hardly have been worse. From Wednesday night to Friday the world was left guessing, free to imagine anything it pleased, free to crystallize prejudice and fear, free to work up its nerves to the point of exasperation. Whoever is responsible should have seen to it that the public had all the facts at once, not a driblet of intimations which simply feed excitement and starve judgment. The effect of the waiting on America was bound to sharpen every word of the note and give every least turn of phrase a greater emphasis than Mr. Wilson intends. In the rush to the support of the President, the President himself may be embarrassed, and the so-called "strong" section of public opinion may become still stiffer by infusing its dislike of Mr. Bryan into its attitude towards Germany. In hundreds of thousands of American minds Mr. Bryan will appear to have taken up the German case, and the prejudice that both arouse may now be expected to fuse. Both Germany and Mr. Bryan will be disliked a little more because they have got themselves identified. It may be irrational. Unquestionably it is, and the only way of stemming the evil effect of this great blunder in the technique of dealing with public opinion is to keep the emotions about Germany and Mr. Bryan as separate as possible. It must be remembered that Mr. Bryan did not sink the Lusitania. It was not Germany who advocated the free coinage of silver or took to the Chautauqua circuit.

IF Mr. Bryan had resigned and remained silent his action would have commanded general respect. He would have been criticized for having quit in the midst of one of the most important diplomatic negotiations in the history of the country, the first moves of which he had, as Secretary of State, formally approved, but the criticism would not have made much impression or done him any serious harm. The man was so obviously placed in a position in which he could not add to his reputation and which did not allow his better qualities a fair chance of expression, that his right to get out at a favorable opportunity and at a minimum personal cost would have been generally recognized. But unfortunately he could not help resigning without breaking into print. He was, at the critical moment in his life, betrayed by his passion for words and by his inability to conceive of any situation in which silence had the value of gold and utterance the value of lead. He had to justify his conduct by a statement which affords startling and irrefragable proof of his incompetence as Secretary of State, and of his inability to act according to any lights except those of a stump speaker. He must not only explain his behavior at any cost, but his explanation must be made the excuse for propaganda. The golden words must be converted into currency, stamped with the countenance of William J. Bryan, and accepted by his admirers and followers at their face value. Such is the result of appointing to a responsible executive position a man who has lived on and for words, and to whom reticence is a sheer impossibility.

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LOOKED at as an event in Mr. Bryan's own career, his resignation puts him again in the position he held in 1896 and after. The statesman has been reabsorbed into the evangelist, the man of action has become again the man with a message and a vision. We shall see again the true Bryan with his virtues worn on his sleeve and his defects concealed. He has thrown off responsibility, has returned to his real mission, which is not to determine immediate policy but to cast bread upon the waters. This resignation does not ruin him; it remakes him. To millions of people he will have done a thing so heroic that the genial foolery of his administration will be forgotten. No one will perhaps ever again seriously wish to put him in an executive position, but as a voice crying for peace in a world weary of war he will get his hearing and have his following. He himself will breathe more freely. He will live again freed from the burden of an office he never should have held; he will appear again as the clean man of principle, who withstood the jeers of the press, who seemed to sacrifice place and honor to a great issue. In reality Mr. Bryan makes no sacrifice. He returns in a highly dramatic way to the role he was meant to play in a world where he has his place.

THE clue to Mr. Bryan's attitude toward the diplomatic negotiations with Germany is of course to be discovered in his treaties of arbitration. He wants to have the principle upon which those treaties are based applied to the controversy over the sinking of the Lusitania. He is willing to allow Germany a free hand during the year of investigation and discussion, provided she will ultimately abide by the results of arbitration. Practically none of the statesmen and the journals that a year ago were enthusiastically in favor of the Bryan treaties agree with him in his desire to apply the rule to the present controversy; but in this respect Mr. Bryan occupies a stronger position than his critics. The fact that no treaty was signed with Germany is not a sufficient defense. Mr. Bryan assumed the office of Secretary of State at Mr. Wilson's invitation, and with the approval of public opinion, expressly for the purpose of negotiating his peace treaties. He went busily to work, and nearly thirty agreements to stop, look and listen before going to war were signed and ratified by the Senate. The United States was fully committed to the principle of adjusting all international controversies by means of a prolonged inquiry into the facts, culminating in arbitration. The treaties were equivalent to a moral covenant to that effect. Mr. Bryan might reasonably anticipate that the rule would be applied to the existing controversy, and he might well be staggered and grieved at the cool way in which everybody ignored the treaties as soon as they were tested by a serious difference with a foreign nation. The American people do not want war, but they prefer to go to war rather than submit to the illegal killing of their fellow countrymen on the high seas; and there is no disposition to permit an arbitral inquiry to become the excuse for a second Lusitania. Colonel Roosevelt realized how the people would behave in the case of a serious controversy, and criticized both the Taft and the Bryan treaties because they assumed a readiness to delay and arbitrate the settlement of critical issues. He was denounced as a militarist and a barbarian, but the event has proved him right. The country has on the whole repudiated the moral obligation assumed by the official adoption of Mr. Bryan's treaties, and it has done so, as Mr. Roosevelt predicted it would, because really serious controversies imply a dangerous tension of public feeling which is merely exaggerated by delay. The disposition to arbitrate at any cost is often merely an easy way of avoiding the more difficult work of eradicating the causes which underly international controversies and provoke nations to war.

THE proposal of Mr. Bryan to apply the principle of his peace treaties in the present controversy with Germany has made an agreement with that country more difficult. In order to reach an agreement Mr. Bryan is willing to surrender the cause in which an American public opinion is interested and for which it is willing to fight. Thus Mr. Bryan has done service to German diplomacy, so enormous a service that the first comments of the German papers show that the magnitude of it is still unrealized. For Mr. Bryan has announced that he is willing to concede as much to Germany as the most extreme German asks. He is willing to arbitrate, but asks no stoppage of submarine warfare in the meantime. He is willing to keep Americans off all belligerent ships, and off any ships which carry ammunition. The German military party could ask no more. It can now ask as much on the authority of the man who signed the protest against the original war zone decree and the Lusitania note of May thirteenth. The ultra-pacifist and the ultra-militarist are agreed that the German reply to Mr. Wilson's note has been dropped by the American Secretary of State. Mr. Wilson will seem unreasonable if he insists upon breaking off negotiations because Germany asks the same treatment which Mr. Wilson's former Secretary of State advocates. This is the sinister aspect of the incident—that Mr. Bryan, who represents a powerful minority, should be willing to concede without protest a flagrant violation of in-

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ternational law which caused a distressing loss of life. A pacifist might well argue that he would concede everything rather than fight. But it is surely preposterous to concede without argument everything that lawless militarism has wished.

THE difficult task of political and social reconstruction in Mexico under American tutelage has apparently been started. President Wilson's proclamation has aroused some of the Mexican leaders to understand the necessity of reunion and the restoration of an authoritative government. The first attempts at reunion are not likely to succeed; but they will be followed by others which may be more successful. The use of American influence in Mexico for the benefit of the Mexican nation is finally being undertaken along really promising lines. American responsibility is courageously recognized. We are going to use our power on behalf of a policy believed to be politically beneficial. Most important of all, the work of reconstruction is to be carried out so far as possible through Mexican agencies. What the administration proposes to do is not to impose an American government on the Mexican people, but to support by American advice, influence and power a Mexican government. It is going to help the Mexicans to help themselves. If they don't, Europe after the war will insist on helping them.

AMERICAN public opinion has, however, consented to the latest development in President Wilson's Mexican policy, without fully realizing its meaning and consequences. The responsibility assumed by this country for Mexican political welfare is comprehensive and will prove onerous. The new Mexican government will depend for its existence on American discrimination in its favor and American hostility to its adversaries. We shall be responsible not only for its safety and its success but for its wisdom and good faith. If it should fail in its task of pacification, or if it should seek to bring pacification about chiefly by the popular process of killing its opponents, or if it should bungle the work of political and social reconstruction, the American government would have to supply compensation for its deficiencies and correction for its errors. At some time or other the safety or the supervision of such a government may demand the use of American soldiers in Mexico. Yet if force has to be used it will not be used for the purpose of Americanizing Mexico, but for the purpose of enabling the Mexican nation to recover its self-possession and independence. The Mexicans have themselves impaired their political independence very much as a spendthrift impairs his financial solvency. They have incurred political obligations to their own citizens and to the world which they cannot pay. They are not to be imprisoned because of their defalcation, but they must be willing to accept a receivership until they are restored to political solvency. The receivership has been undertaken with reluctance by the United States, but once the office is assumed, the disagreeable and painful aspects of the work cannot be shirked. In assuming it the American nation undertakes a most difficult and expensive job, without any expectation of profit except that of securing for itself a prosperous and self-respecting neighbor.

IN a communication published elsewhere in this issue Mr. Frank Parker Stockbridge calls the submarine "the mightiest engine of democracy the world has seen" and predicts that it will certainly result in the "freedom of the seas." By placing efficient sea power in the hands of relatively small countries it makes the control of the seas by one nation, such as the United Kingdom, impossible. Commerce during war would be attended with unprecedented risks, and any nation that staked its safety upon its maritime communications, as the United Kingdom has done and as the United States must do, will be placed in a most precarious position. Mr. Stockbridge apparently believes that the dangers of such an uncontrolled use of an engine of destruction during war will be sufficient to force civilized countries to agree upon a system of public law which will make private property at sea during war at least as secure as private property on land. Perhaps; but what kind of property can be considered really private during war? What means can be taken by submarines to distinguish between ships that carry innocent and inviolable private property, and ships which carry military supplies? The freedom of the seas is a fine phrase which stands for a most desirable political and economic object, but it can scarcely become a reality until nations cease to go to war for the settlement of their disputes.

THE Steel case decision has whetted the appetite of the New York *Times*—"it won freedom for all." The *Times* proceeds to make use of this freedom by advising big business to wreck the Federal Trade Commission. "Business could not make a greater mistake than to set up bureaucrats and then ask licenses from them . . . men of business know what they may do as well as the Commission can tell them." The *Times* is outraged at the thought that "practical men of affairs" should be testifying before the Commission, trying to arrive at an understanding as to

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what national business policy shall be. The *Times* thinks that the Steel decision won "freedom" from all that. We may suggest to the *Times* that if the decision had gone against the Steel Corporation, the *Times* would not feel so pleased with the law and would be realizing what an antiquated and inefficient procedure the whole thing was. It would be crying out against "destructive laws," etc., etc., and it might even be commending the scientific sanity of the Trade Commission idea. There can be no doubt that this advice to ignore the Trade Commission is not only lawless and disloyal, it is the worst advice that could be offered to business men. For if they simply do what they please, as the *Times* virtually urges them to do, they are preparing for themselves an endless vista of litigation, and destroying the most hopeful instrument yet created for introducing simplicity and stability into the tangled and tottering laws of business. By proposing to throw the whole relation of business with government back into the courts, the *Times* shows how recklessly its editors wield the power which a marvelous news service and splendid journalistic enterprise have placed in their hands.

AT a trial in a Brooklyn Municipal Court in which a young woman was suing a tourist agency for failure to deposit her in Germany last August, the defense plead the European war as justification. "War?" said the attorney for the plaintiff. "The court knows nothing about this alleged war." The judge had heard of the war unofficially, but ruled that it would have to be established if it were to be dragged into the case. After some delay the defendant obtained from Washington several volumes of diplomatic correspondence so convincing that even the counsel for the plaintiff had to admit that there was something in the rumor. Apologists for our legal system say that judicial progress, though slow, is sure. May we therefore hope that the decision in the Brooklyn Municipal Court will serve as a precedent and put the war upon a sound legal footing? Unless, of course, it should be reversed.

WHEN a postmaster is to be appointed in the presidential class, which is outside the classified service, the anything-for-a-quiet-life procedure is for the Postmaster-General to ask the politicians whom they want. Except in cases where there is a factional quarrel, where some powerful Congressman is fighting a Senator, or where the Senator is at war with some boss who does not hold office, the Postmaster-General gets a quick answer. The politicians' choice is confirmed first by the President and then by the Senate. Although this procedure is common enough, no Postmaster-General has described and defended it in words more quaintly ingenuous than Mr. Burleson's. "In the nature of things," he writes to the National Civil Service Reform League, "the Department must be guided in nominating persons to the President for appointment very largely by the preference of its duly constituted political advisers representing the communities interested. To go counter to this opinion under present conditions would be an unwise and unauthorized exercise of executive power, which, in all probability, would not be sanctioned by the Senate." A few years ago a certain office-holder in the state of New York was described in these genial terms by Mr. Joseph P. Cotton, Jr., of the New York bar: "It isn't fair to pull that man's leg. If you do, it will come off in your hand." Mr. Cotton's words fit Mr. Burleson, who seems to be the completely innocent letter-writer.

IN rows with the Senate over appointments a President is handicapped by his failure to offer a better alternative to the simple system beloved by Mr. Burleson. He is often merely trying to punish or weaken his "duly constituted political advisers" by ignoring them and consulting somebody else who is no more disinterested than they. Yet it is quite possible to offer an intelligent alternative system. When Mr. Wickersham was Attorney-General an assistant Attorney-General had to be appointed. The best way to find a good man was neither by civil service examination nor by consulting the politicians, but by the laborious method which Mr. Wickersham adopted. He had letters sent to some twenty lawyers whose recommendations he thought likely to be disinterested and discerning. Careful investigation was made of all the candidates thus recommended. Not until all this trouble had been taken did Mr. Wickersham choose his man. A President whose Postmaster-General took as much trouble about postmasters in the presidential class might get into difficulties with the Senate, but public opinion would support him in such an attempt to find really capable appointees.

DANISH women have received equal rights with men and Danish men with each other; the recent constitutional change which enfranchises women and makes them eligible to all offices also abolishes the property qualifications which have helped to keep the Dane melancholy. Everybody can vote in Denmark now, even the King. Twenty-nine years is the voting age to start with, but as time rolls over the little kingdom it is to be gradually reduced until it reaches twenty-five. Thus the older a Dane grows the younger he can begin to vote.

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The Strategy of Annihilation

THE newspapers are sedulously publishing day by day the more or less truthful reports of the several belligerent governments, which record the vicissitudes of the fighting in the western front. These reports are concerned with local successes and failures. The Allies capture a few hundred yards of trenches on one sector of the line. The Germans score a similar success on another. Occasionally the few hundred yards increase into several miles, and the experts affect to believe that a railway junction or some other strategic point or line of communication is being threatened. But the immediate results of a successful offensive appear to be disproportionate to the cost in ammunition and men. Since the middle of November hundreds of thousands of soldiers have been killed and an unimaginable amount of suffering inflicted on their surviving comrades without effecting anything but insignificant changes in the military situation.

On the eastern front the fighting results in much larger territorial gains and losses. The armies advance and retreat over hundreds of miles; great victories are won and lost; and hundreds of thousands of soldiers are captured. But the net results are not any more conclusive. The Russian hordes, which by sheer weight of numbers were to sweep irresistibly over the German and Austrian frontiers, have barely held their own in Russian Poland, have been ignominiously thrown out of East Prussia, and have been unable to defend their early conquests in Galicia. The German victories in this region have been as brilliant as anything in military history. If the Germans had only the Russians to deal with they would have inflicted a decisive defeat upon the enemy; but their victories, tactically complete as they are, are strategetically indecisive. They cannot be followed up by an attack which will penetrate anywhere near the vitals of the Russian mammoth. Although armies as large as those with which Napoleon conquered Europe emerge and vanish, their victories and defeats remain apparently no less inconsequential than the smaller engagements on the western front.

Futile as this terrific fighting appears to be, it possesses a hideous and frightful conclusiveness. It is preeminently successful in achieving what has always been an essential object of hostile armies—that of killing a large number of their opponents. The percentage of losses among the troops which participate in the engagements is enormous and unprecedented. During the first battle of Ypres General French sacrificed almost fifty per cent of his army in his heroic attempt to stop the German advance. During the second battle almost one-half of the Canadian troops were killed and wounded. The German method of attacking in close formation probably makes their percentage of loss at times even greater. Whole battalions and regiments are almost completely wiped out. At Ypres alone in October and November a larger number of lives are said to have been lost than during the whole Franco-Prussian war. Attacks and counter-attacks may or may not result in territorial gains, but they always result in huge human losses. Territorial gains are for the present unimportant. The success or failure of the fighting is turning on the human losses.

The Allies have in this respect the advantage of the Germans. In spite of the crushing defeats inflicted on the Russians, in spite of the loss of Poland, Belgium and northern France, the strategic situation of the Allies is stronger than that of their opponents. It is based on a considerable and increasing superiority in numbers. In the beginning this superiority did not count, because the better organization and equipment of the Germans enabled them to concentrate a more effective force than their opponents on the important battlefields; but recently the resources of the Allies in men have grown and at least on the western front have been better mobilized. The Germans are still able to keep apparently sufficient forces on their several frontiers; they are still able to make one German as effective in a military sense as two of their opponents; but in the meantime wherever Germans are being concentrated they are being killed. Their victories have been as expensive as defeats. Their defeats promise to be more expensive than their victories. No matter how effective their concentrations, their actual reserve of men is small compared to the reserve of the Allies. They cannot economize its use. They cannot repair its ultimate deficiency. Early and decisive victories are much more necessary to them than to their opponents.

The French general staff is not using its superiority in numbers blindly and savagely, as Grant did during and after the Wilderness campaign. It is not merely engaged in killing Germans, but it is equally solicitous to save French and English lives. If it can dispose of five thousand Germans a day at an expense of three thousand Frenchmen, it is accomplishing superbly the chief object of an effective strategy. Its object is not to "organize victory," for "victories" are for the time being of no more account to the Allies than the Star and Garter to a hermit in the wilderness. They are organizing slaughter. They are fighting not an army but a nation in arms. The nation in arms cannot be subdued until a certain proportion of its able-bodied men are rendered incapable of carrying a gun. The problem is to make some four or five million Germans of no further military use, and to accomplish the result without an intolerable

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and ghastly sacrifice of French and English manhood.

The task might well be too wracking for human endurance, were it not for one fact. With anything like equality in equipment and ammunition, the Germans could sell their own lives so dearly that the Allies would sicken of their work; but the Allies can turn their superiority in financial and military resources to as good an account as their superiority in numbers. They can use their metals to save their men. The French staff expects to maintain offensive operations throughout the summer and to make these operations as successful in economizing French and English lives as in killing Germans. It expects to attack with armies protected by a devastating screen of artillery fire—one which will ravenously and ruthlessly devour the lives of those Germans who are brought up to resist the advance. The calculation is that the Germans will not be able to meet this concentration of artillery and ammunition with an equally formidable retort of the same kind, because their reserve of certain metals is as limited as their reserve of men and cannot be replenished. Little by little the superiority in numbers and in energy of metal will accomplish military results of increasing importance. So many Germans will be killed that they cannot hold their present line. They will be pressed back upon another and shorter line, which will in turn be tested by an equally ruthless ordeal of fire. If the calculations of the French staff are correct the Germans will in the end have to abandon their conquests, retire to their own boundaries, and submit to the devastation of their country as well as the decimation of their able-bodied men. Their army is so complete an embodiment of the national organization and material that it cannot be defeated except after something like the annihilation of the younger manhood of Germany.

War used to consist of the sacrifice of lives in order to win victories and thereby to impose terms on the vanquished. The results accomplished by the victory were supposed to be worth the cost. But in this most fearful and destructive of all wars, victory consists in an indefinite process of successful carnage. War has been so efficiently organized that its real nature has finally been revealed in all its incredible maleficence. A populous nation in arms cannot be defeated until its able-bodied men have been killed or prevented from organizing into military units. In order to diminish the loss in men, no effort is spared to obtain superiority in metal, and to this end prodigious sums of money are spent and corresponding debts incurred. Not content with its toll of existing life, war exacts a similarly costly tribute from the life of the future. Millions of men will have to labor for decades with no result but the repair of wasted material. Millions of human beings will be deprived of innocent and wholesome satisfaction because the fruits of their work have been consumed in killing other human beings. Really scientific war has no strategy except that of sheer annihilation and destruction. If in the past victories have seemed to be a substitute for annihilation, that was because military organization had not sufficed fully to bring out the terrible logic of complete efficiency in war.

The Legend of Magna Charta

ON June fifteenth will be commemorated the seven hundredth anniversary of the signing of Magna Charta. If we may judge from the past the country will be regaled on that occasion by stirring orations on the meaning of that "palladium of our liberties" from orators who have neither the time nor the historical learning to read that bulky medieval document with understanding. In truth the feudal incidents with which it deals are not all clear even to expert historians, so that orators find it more congenial and profitable to fall back on tradition, and use the fact that Norman barons extorted certain concessions from an Angevin king as a patriotic reason why we should now be content with our own established order. The transformation of history for purposes of political controversy and homiletics is, of course, an ancient process. But it would be difficult to find anywhere a better illustration of the complete triumph of political apologetics over historical accuracy than is offered by the traditional account of the significance of Magna Charta. Coke, whose undigested pedantry is the source of so much legal omniscience, makes Magna Charta the source of trial by jury and other fundamental popular rights; and Burke, with a chivalric disregard of facts, maintains Magna Charta as the source of effective representative government. There is absolutely nothing in or outside that document to support these views. Though some details and technical terms may still be matters of dispute among scholars, scientific historical research has shown beyond doubt that the granting of Magna Charta was in no sense the result of a popular movement, but was entirely due to a small group of powerful nobles bent on their own selfish interests. The people suffered as much from the French troops of the barons as from King John's army. Certainly the specific provisions of the charter were in the interests of the barons and bishops (lords temporal and spiritual). They offered almost nothing to the great mass of the people who were then villeins, devoid of what we call civil and political rights. The oft-quoted clause 39, "No freeman

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shall be imprisoned, etc., save by the lawful judgment of his peers," did not guarantee jury trial. It did guarantee that no "peer of the realm" should be tried by the king's judges who were not themselves "peers," and that, similarly, clerics should be tried in their own court ("benefit of clergy"). In that respect there is a great deal of justice in Jenk's characterization of Magna Charta as "a reactionary document and a great nuisance and stumbling block to the generation which came after it."

This truth does not, of course, altogether dispose of the importance of Magna Charta. Doubtless the tradition that Magna Charta did in some way protect the people's rights had great influence in English political development. Modern science, however, sees no reason why present day political controversies should be fought with the fantastic weapons of legendary history.

The Steel Trust Case

THE opinions in the Steel Trust case will not help us much to get any new light on the Sherman act. Two opinions were written between which the court split evenly. The judges may have agreed, but they agreed for reasons which were divergent and totally inconsistent.

The first of these opinions, that of Judge Wolley —with which Judge Hunt concurred—is the clearer and presents a perfectly understandable position. Judge Wolley finds that the original combination, though a deliberate effort to secure a monopoly of the steel trade, was unsuccessful, apparently because the undertaking was too large. Subsequently further efforts were made to create an effective combination by pools. The last of these efforts was the now notorious "Gary dinners," which were means to secure informal agreements to maintain prices and control supply. These, though apparently successful, have now been abandoned, and in fact had been abandoned before the bill was filed. Consequently there remains nothing which a court of equity should do to reinstate the steel business in a legal posture; it is legal as it stands. If the government wishes, the court will retain the case against any possible resumption of illegal practices.

Unfortunately this opinion of Judge Wolley does not deal with the vexed crucial question of what makes a combination illegal. Must a court, to establish illegality, find that the combination is prejudicial to the public or promises to be such? Or is it enough to find that the combination has control of enough of the supply to fix prices as it wishes? Though the opinion is quite right in avoiding the discussion of a question which the facts did not require, still because of this avoidance much of the interest in the case disappears. Thus the Harvester case is immensely more significant in the development of ideas, because it will require of the Supreme Court a more ingenuous declaration of its understanding than any hitherto produced.

Judge Buffington's opinion, with which Judge McPherson concurred, is by no means so readily grasped. He starts with the singularly unsatisfactory doctrine of the Standard Oil case that combinations are illegal which prejudice public interest by unduly restricting trade. But what "unduly" means, how it is to be gauged or determined, does not anywhere appear. Does the public prejudice measure the "unduly"? Must it appear that the combination is raising prices or injuring the trade? Or does any adequate control of supply with its implied power to fix prices necessarily involve a public prejudice? The whole problem lies concealed in just such evasive phrases as these, and so long as no one has the courage to face the inevitable choice, we shall continue indefinitely to beat the air. Such words as "unduly" vitiate the whole subsequent reasoning of a court, as much as the reasonings of the paradigms of a primary course in logic.

Starting with such a premise, we hardly expect to find the opinion moving with the precision of a Prussian field manoeuvre, nor are our expectations disappointed. However, the theory seems to be that the measure of illegality is the result of the combination rather than its powers. After a long discussion of evidence we conclude that the effect of the Steel Trust has been to expand, to develop, to stimulate domestic and especially foreign trade; that it is a tonic, not a depressant, and that therefore it does not fall within the act. Barring the Gary dinners, and possibly some earlier pooling agreements, there was nothing to condemn. And so perhaps the opinion must be classed with the opportunistic method of treatment, in spite of the ambiguity in its approach. Yet the whole conclusion is most tantalizing and conceals inconsistencies. For example, if the effect of the combination is the test of illegality, why should the Gary dinners have been illegal if their purpose was one useful to the public? On the other hand, if control was enough to make the combination illegal, as Judge Hunt and Judge Wolley held, why go at such length into the general results of the Trust during its whole existence? The opinion seems to reflect no clear grasp of fundamental ideas.

This failure to grasp fundamental ideas is a defect not only of this decision but of the whole attitude of the courts towards industrial combinations. Our court decisions in this matter have not been satisfactory, because they have possessed neither consistency nor continuity, and they have lacked

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these qualities because the judges, like the rest of us, have failed to agree upon a clear, reasonable and unified conception of the nature of industrial combinations, of their causes, consequences, advantages, disadvantages and perils. We shall not be able to pass upon the legal questions involved until we know what we want and what we want to avoid. We must base our reasonings upon a correct fundamental theory which will include all the economic and social facts involved and our psychological reactions from them. The trouble to-day is that we have not one but many theories, and our inconclusive and inconsistent court decisions are in the main an attempt to reconcile theories which from their very nature are irreconcilable.

The most instinctive of these theories is that which holds all big industrial combinations evil because of their very size. If we look upon any substantial control of supply, with its resulting power over prices and wages, as intolerable in a free state, then discussion of results becomes irrelevant, for we are dealing with an *imperium in imperio* and must first assert our own single sovereignty. If we do this, all talk about the innocence of "bigness" is inappropriate, for "bigness" is itself the test of illegality. The only question to ask is, "How large a proportion of the total production is in the hands of a particular cooperative group?" American love for size rebels instinctively against such a conclusion, just as American dread of power impels it to a method which makes the conclusion inevitable. Here, then, is one fundamental antinomy.

Another theory is one which is based on a belief in the natural extinction of monopolies. There are some who are convinced that no effective monopoly can be secured by any combination which is deprived of adventitious advantages, such as a favorable tariff, the exclusive control of natural resources, or the right to use certain questionable methods of commercial warfare, of which the Clayton act has enumerated a few. These men still keep their faith in competition, once the unfair advantages now possessed by certain combinations are removed. This is Mr. Brandeis's position, which President Wilson in his campaign speeches substantially adopted.

Finally there is the theory that monopoly is probably but not necessarily dangerous. We may hold the theory that real economies in production may continue until the combination is beyond the control of automatic competition. Whatever the past may show, there is certainly no *a priori* impossibility in the consolidation of producers into a combination which shall maintain and effectively secure a monopoly over the supply. Nor does it follow, especially in the smaller industries, that economy of production may not increase up to a size of plant sufficient to produce the whole supply. Once such control of the field is obtained, it may not be necessary to resort to discrimination in prices in order to hold it. It is no doubt true that the enormous combinations of the first decade of the twentieth century generally proved economically inefficient; they were loaded down with antiquated and inefficient plants, bought at exorbitant prices. But we must not generalize too readily from that experience, or assume that a trade may not "integrate" for the mere profits of "integration." When such integration takes the form of a single corporation it is more formidable than if it rests in pools or "Gary dinners." The combination may effect economies of production while it acquires a power of exploiting the public. When that time comes, however, we may, according to this theory, choose either to sacrifice the advantages of the large combination, or seek to secure them without the cost of monopoly prices by creating a system of government regulation or of government ownership.

Though any of these theories may be true, all cannot be true. Whatever may be the best point of departure in dealing with the whole subject, we are at least entitled to some single one, not to a jumble of all. Courts cannot protect themselves from dissatisfaction with inconclusive decisions by vague talk about "undue restraints" or about the "rule of reason." Men will not fail to see that these judges have no clear ideas upon the subject and are afraid to commit themselves to any.

There are now coming before the Supreme Court several cases which will raise squarely the question whether it is necessary to do more than show the mere power to control prices. On them much will turn, for the judges have enormous power in directing public ideas.

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EDITORS

HERBERT CROLY WALTER LIPPMANN
PHILIP LITTELL FRANCIS HACKETT
WALTER E. WEYL CHARLOTTE RUDYARD

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England's War Government

A POLITICAL crisis is generally over by the time the news gets out, and its real causes are never those that are made to appear. This maxim of the seasoned politician should be kept in mind by all who follow the cables from England. It serves as a useful corrective, though you need not assume that it is wholly applicable to the sensational developments which will make the month of May, 1915, memorable in the constitutional history of England.

It would be possible to argue that the central fact of the situation should be stated thus: The torpedo that sank the Lusitania destroyed also the Asquith Cabinet. It transformed the temper of the nation, turned the searchlight upon Whitehall, and led to an insistent call for national reorganization and the making of a government representing all parties. A crisis was upon us in any case; but it may be doubted whether, if the Lusitania had not gone down, the form of the crisis and its approach would not have been very different. Hardly more than a week ago the Prime Minister was asked in the House of Commons whether the government was considering the advisability of admitting into the Cabinet representatives of all the political parties. Mr. Asquith said no, and he added that such a step would not command general assent. In two or three days he had turned round, held in his hand the resignations of all his colleagues, and was engaged in the difficult and most unenviable task of forming a coalition. What had happened?

A government in wartime stands, of course, by virtue of two of its departments—the War Office and the Admiralty. England entered upon the present war in a state of almost perfect confidence with respect to both. In response to a call which may fairly be described as national, Lord Kitchener was, at the beginning of hostilities, made Secretary of State for War—notwithstanding the principle, never hitherto infringed in modern England, that the supreme control of the army must be kept in civilian hands. The Board of Admiralty was presided over by Winston Churchill, to whom was due the swift mobilization of the fleet last summer; and with him was associated as First Sea Lord, or chief expert member, Lord Fisher, the creator of the dreadnought squadrons and the most famous admiral of our time. The country was satisfied that both departments were in the ablest available hands, yet trouble arose in both and came to a head simultaneously.

At the Admiralty things had been going wrong for months. Perhaps it was inevitable that two men like Mr. Churchill and Lord Fisher—the one a headstrong politician, the other a sailor of commanding personality—should clash. Ever since last autumn Mr. Churchill's enemies have been accusing him of overbearing his colleagues in the Cabinet and defying his expert advisers, and when the terrific difficulty and cost of the Dardanelles adventure were revealed, the split became irreparable. Lord Fisher resigned and the Prime Minister saw disaster to his government immediately ahead.

Concurrently a still sharper crisis was being precipitated in the War Office. Three months had gone since Lloyd George uttered his grave warning as to the imperative need of more rapid and efficient manufacture of munitions. He coupled it with a demand for a rigorous control of liquor, to which the country did not respond. On the subject of war munitions the government spoke with contradictory voices. While the Prime Minister announced that all was well and Lord Kitchener confessed himself satisfied, Mr. George repeated his warning and cited disturbing figures in its support. The public was puzzled, and was without the clue until, on May twelfth, the military correspondent of the London *Times,* Colonel Repington, delivered the stroke that completed the government's overthrow. He announced, in a despatch from the theatre of war, that the lack of high-explosive shells was a fatal bar to British progress in the field. Then, one after another, the astonishing facts came tumbling out. Sir John French had been imploring the War Office to supply the right kind of shells for trench warfare. Lord Kitchener, wedded to the beliefs imbedded in him by his South African experience, took no heed, continued to supply shrapnel, and kept the facts from his colleagues in the Cabinet. Sir John French, finding that his demands made no impression, called in the help of Lord Northcliffe and the *Times*. The leaders of the Opposition, using their knowledge of the situation as a political weapon, threatened to destroy the government; and the heads of the Cabinet, in desperate straits, evaded open and complete disaster by inviting their opponents to come in and take their share of the burden of responsibility.

The results, immediate and remote, of this momentous departure cannot be set down here; but a few of them may be indicated. Organized opposition in Parliament disappears, and with it the possibility of an alternative government, which is the strongest check upon the attacking party. By

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a majority vote of the whole body, the Labor men have resolved to be represented in the government: this means the disappearance of the Labor party as such. The Irish remain outside. It is difficult to say whether the outlook for Home Rule would be more or less dismal than it is if both Redmond and Carson had gone into the government. The Tories, at first opposed to coalition, will accept it as a victory when they realize the power that is put into their hands by the possession of half the Cabinet seats, and will rejoice at the prospect of imposing conscription. The Liberals are rebelliously acquiescent. They recognize, for Mr. Asquith put it to them with the utmost candor, that the choice was between coalition or defeat. There are evidences of an extraordinary complexity of influences below the surface. A strong body of Liberals, for example, would, if they could, make it impossible for either Mr. Churchill or Lord Kitchener to be in the new administration. They give two reasons: the existence between them of the personal feud, and the fact that both alike have betrayed the essential principle of Cabinet government.

There remain, I think, when all is said, two questions uppermost in the minds of reasonable Englishmen. First, how is the country to free itself from the intolerable dictatorship of Lord Northcliffe and his journals? Secondly, how will the political transformation in the midst of war affect the standing of Great Britain before the world? Lord Northcliffe is, plainly, the destroyer of the Asquith Cabinet. That is serious enough; but after all, the government was tired and stale. It had been in office for over nine years, and multitudes of people felt that not to such a government, representing one party in the state, should be entrusted the colossal responsibility of conducting a war in three continents. But what of the effect of all this upon the world? We are emerging from a political and administrative crisis more severe than any known in the history of modern England, and to observers at a distance it must seem that the country is being preyed upon, its very existence imperilled, by selfish and factious individuals and groups. But that, as all who know anything of our public life will agree, is emphatically not so. It is true that we have no liking for coalition cabinets; this generation has had no experience of one. But the fact which matters is that out of the distractions of the present there will emerge a government thoroughly national in constitution and purpose. It will be harder to run than a party team; but it will be an impressive symbol of the national solidarity.

S. K. RATCLIFFE.

London, May 21st.

The Golden Story

IT is a current impression that there are no general laws for love. Poets have always delighted in depicting the tender passion as wayward and lawless, and even sane business men are prone to agree that love is mysterious and its problems baffling. The peculiarity of its manifestations are accentuated in every work of fiction, so that the average reader who seeks illumination is compelled to extract it from fiction with all the labor of extracting gold from quartz. That this incertitude is mistaken will be welcome news to many troubled souls. Hypercritical people may scoff at the affirmation. There is no certitude to which the sceptic or the cynic will not take captious exception. But the joyous fact remains: there are certain definite principles governing every impulse and every manifestation of love, and they need only be known to be accepted.

This profound assurance is justified by an estimable but little-known work issued in Philadelphia some fifteen years ago. The author is Miss Grace Shirley, and her production is termed "Shirley's Twentieth Century Lover's Guide of Love, Courtship and Marriage. A Complete and Reliable Handbook." Published in the same popular series as the "Fun Doctor" ("blessed are those who laugh for they shall grow fat"), Professor Hoffmann's "Tricks with Dice, Dominoes, Etc.," Doctor Ellsworth's "Key to Hypnotism" and Mme. Claire Rougemont's "National Dream Book," it is well buoyed on its way to the public. But though Miss Shirley has been widely read, she has never won full appreciation. Although deep in the finest social and amatory tradition, she has been ignored in literary and philosophic circles. For this result her subject rather than its treatment must be blamed. It is hard, in this self-conscious and sophisticated age, to find an audience which will admit its admiration for a Houdini of the human heart.

Marriage, says Miss Shirley, has been termed a LOTTERY, but it is a lottery in which only the reckless need lose. "In the category of human attributes, reason stands pre-eminent; and when once love is relegated to her control, the tyranny of the passion will be subdued, and all evil results from unwise loving will be avoided." The relegation of love to the control of reason is therefore Miss Shirley's scheme, and no one who follows it can fail to be a wiser and gayer man.

Are you in doubt as to "whom to marry"? Miss Shirley has no perplexities for you. "A drunkard, habitual or otherwise, should not be considered as a candidate for matrimony, as his appetite can only bring misery and sorrow." "It is wise, from many

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points of view, to marry in your own nationality, but this is by no means an obligatory course of action." "Africans, Indians or any persons representing the so-called 'colored races' should never be considered by a Caucasian." "No set rule can be made for the union of blondes and brunettes, of large men and small women, or vice versa, but it is wise to conclude that robust men will soon tire of frail women, and that the merry nature will soon be soured by contact with the hypochondriac."

Having decided on whom to marry, the next thing is to determine the symptoms of love. These do not seem highly indicative of man's preëminent attribute, but "love is divine." "Love," avers Miss Shirley, "is entertained before it is perceived. Its approach is insidious; it fairly steals in upon the senses. A blush, a sigh, a flutter of the heart, betrays us to ourselves, or sometimes to our friends before we discover it. Suddenly we burst into snatches of song, always a ditty expressive of tender sentiments; then follows the so-called habit of 'smiling at nothing,' and our voices imperceptibly take on a sweeter cadence."

Passing fancies may, however, be mistaken for "attacks of genuine love." And then there is infatuation, mesmerism, bedevilment. "The women who allow their husbands to strike them the second time are examples of this, and, alas! no human mind can conceive of their number!" To avoid such snares, you are advised to "subject the adored one to the most rigid tests." "Spare yourself no mental anguish to determine" the adored one's worthiness. For your own part, be absolutely natural, honest and sincere. "Avoid giving a wrong impression of your character or casting the glamour of artificiality or mystery about your sentiments." "Do not marry until you are *sure* you love." And remember, "the man who asserts his love within an hour after meeting a lady is either a knave or a silly fellow."

In the intimacies of affection there is much art. "Flattery of the delicate, dainty order is a weapon in love which no lover dares discard; but the poniard loses its efficacy the moment it is blunted by sickening effusiveness." "Pet names have always been indulged in more or less by lovers, and the practice is one entirely consistent with the tender passion. Imagine an ardent lover, gazing with burning glances into the timid eyes of his inamorata, and trying to murmur in dulcet tones the harsh name of 'Caroline,' when he might say 'Carrie.' But this does not mean that one should be too offensive in tender cognomens, or that they should be made use of at unseemly times or places. Even in the writing of love letters it is hardly wise to allow the emotions to run riot with the pen; for in love, as in all other sentiments, the element of dignity should predominate."

Extreme dignity, indeed, is one of Miss Shirley's preferences. In the home she concedes that man should be "head of the family," but the wife must help him maintain the dignity of the establishment. This minor rôle is no reflection on woman. "Woman's helpfulness, cleverness, ability and nobility are too well known to need discussion here." The perfect home is a union. "It is equally culpable in each to endeavor to undervalue the life partner; while, on the contrary, it is beautiful to behold husband and wife occupying exalted pedestals in each other's minds, one ever extolling and revering the other."

The same taste for dignity is evinced in the note on kissing. "As in all other demonstrations which proceed from a heart filled with tender emotions, kissing may be made a source of annoyance, danger, or exquisite rapture. Rudeness, coarseness and familiarity cannot but breed contempt. Always preserve the veil of modesty over the rose-hued brow of passion." "Never embrace a loved one in public, unless it be a farewell kiss or a kiss of greeting. Even these should be given with an effort at repression of the overflowing fever of the veins."

After marriage, Miss Shirley insists, there must be no lapse into indifferent familiarity. "Never enter your wife's room without first tapping on the door; show her as much respect as if she were the queen of a nation instead of the queen of your home. Never smoke in your wife's bedroom, whether she permits it or not. Never wear your hat in the house, even for an instant; you would not do so if you were in someone else's house. Never fail to be as polite to your wife as to a lady to whom you had just been introduced."

The power of love is rated high by Miss Shirley. "The drunkard, the hypochondriac, the prodigal, and even the felon, have been redeemed through the power of love." And again, "to the perfection of man, woman is necessary, for his nature is eager, insistent and insatiable; and love, constant and unvarying, is his only salvation. So, also, to the average woman man's love is a necessity. Without it she is but a leaf tossed upon the storm of desire. . . Like beautiful flowers, the natures of both expand under the sunshine of true, loyal, undying love, and how bravely, hand in hand, they meet the storms of life and defy the winds of misery to baffle or thwart them."

From advice as to love gifts—"sensible presents should be given in preference to foolish ones"—to advice as to rejected addresses—"if possible, thank the lady for her honesty, and express regret that you have wounded her"—Miss Shirley covers

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every phase of the relation between man and woman. It is a triumphant survey of every emotional possibility. "Is there any knowledge in the world," asks Mr. Bertrand Russell, "which is so certain that no reasonable man can doubt it?" The man who asks this question has never read Grace Shirley's "Lover's Guide."

F. H.

A Substitute for the Protocol

IN the end institutions survive because they are necessary. If there is no need for them, they decay and die, however much they are coddled. People must need an institution, must be willing to make sacrifices for it, before it can have vitality.

We should bear this in mind when the question arises, "Who killed the protocol?" Here was an instrument which for almost five years governed the cloak and suit industry of New York. It maintained peace, raised wages, improved the sanitary conditions of the shops, and settled thousands of disputes between manufacturers and workmen. It was lauded by men on both sides as a great step towards democracy in an industry peculiarly difficult to govern. The manufacturers are immediately responsible for the ending of this protocol. It was they who destroyed the protocol because of grievances which might have been settled by the machinery set up by the protocol. They cannot and should not escape responsibility for this action. If, however, they can prove that the protocol was unnecessary, impracticable or undesirable, if they can show that the same results can be obtained by other means, then their responsibility disappears. The real question is: What was the protocol accomplishing, and can the same results be obtained by better means?

The situation in the cloak and suit industry prior to the establishment of the protocol in September, 1910, was extremely bad. The industry was, as it still is, decentralized, the fifty thousand employees being divided up into many hundreds of little shops engaged in a desperate cut-throat competition. Wages were low, owing partly to this competition and partly to the fact that the workers were in the main recent immigrants, whose numbers were recruited by each new ship arriving at Ellis Island. Nor were these low wages steady. The industry has always been seasonal in its character, and short busy seasons have been followed by long "slack" periods, during which a large proportion of the workers were thrown out of employment. During the busy season the men were over-driven. Their hours were too long, and they worked nights and holidays. In the slack season the competition for the few available jobs resulted in still other abuses. There was no effective organization either among the manufacturers or the workmen, for the union was merely militant and therefore ineffective as an agent of control. The union membership would increase enormously during strikes and fall to almost nothing after the strike was won or lost. The better grade of manufacturers had no possibility of controlling their less scrupulous rivals, with the result that numerous complaints arose concerning excessive work under unreasonable conditions, discrimination against union men, the irregular payment of wages, and many other evils. The sanitary conditions in the worst shops were indescribable. Cloaks were made in filthy tenement rooms, where the women and children were exploited, and even some of the more reputable manufacturers were compelled by competition to resort to similar methods of production. Much of even the most expensive clothing was let out to tenement-house sub-contractors, who manufactured cheaply because they had no rent to pay and no rules to observe. Throughout the industry competition took the form of progressive deterioration, and the sufferers from these conditions were not alone the workers and the better grade manufacturers who had to meet unfair competition, but the public, both as consumers and as citizens.

How the protocol improved these conditions is in the main well known. Many of the evil practices were immediately stopped. The protocol defined the rights and duties of both manufacturers and workers, and established a system of mediation and arbitration for the settlement of all disputes. When a question arose between the workmen and a manufacturer, the matter was first discussed between the shop-chairman—appointed by the men—and the employer, and in innumerable cases was adjusted then and there. If the dispute could not be so settled, it was taken up by specially trained investigators, called "clerks," who in the vast majority of cases reached an amicable decision. There were, however, courts of still higher instance for use in cases of disagreement among the clerks. Appeal might be had to the decision of an impartial chairman and from him to the full Board of Arbitration, representing the union, the Manufacturers' Association and the public. A Joint Board of Sanitary Control, representing both sides and the public, was also created, and this board was successful not only in ending the execrable sanitary

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conditions of the earlier period but also in steadily securing higher standards of sanitation, ventilation and safety for the tens of thousands of workers in the factories.

The fundamental advantage of this protocol, however, was the aid it gave to the standardization of the industry. A manufacturer is interested not in the absolute cheapness with which he can have his work done but in its relative cheapness. He does not wish to be undercut by a rival. The cloak manufacturer was willing to pay the union rate of wages provided that his competitors were compelled to pay the same wage. The Manufacturers' Association therefore was as a body interested in the maintenance of the men's union. It was through the union that the Association, which includes the largest shops, was enabled to force their competitors outside the Association to grant wages and sanitary conditions equal to those granted by the Association shops. The agreement, although assuring union wages, did not, however, contemplate a closed shop. Still less did it contemplate an open shop. Union members were to be given a preference, and non-union men—except in certain special cases—were not to be engaged so long as union men of equal skill applied for the positions. The practical result was that nearly all the employees belonged to the union or joined it later, and that the union made itself responsible for the conduct of its members and for the enforcement of the protocol. The union was an open union, into which any properly qualified workman could enter without paying exorbitant initiation fees or dues. The union was essential to the Manufacturers' Association, for it alone provided the machinery for compelling that standardization and equality of conditions to create which the protocol was established.

Fundamentally, the protocol broke down because this standardization was incomplete. There were many minor reasons: the restlessness of the men, the impatience of the particular manufacturers at present in control of the Manufacturers' Association, the hasty action of the Association in denouncing the protocol. If, however, some method had been adopted for the standardization of piece prices, the protocol might have continued. The difficulty lies in the following situation. Each new style of garment differs from every other. For the making of each a piece price must be settled by special agreement between the manufacturer and the men in his shop, represented by a price committee. There are no rules to guide these negotiators. As a consequence each side inevitably believes that the other is unreasonable. A price chairman, appointed by the workmen, may, if he really is unfair and captious, cause great damage and loss to the manufacturer. The manufacturer, however, cannot remove him from the committee. He is therefore tempted to discharge him for a good reason or none. This temptation to get rid of a "troublesome" price chairman may be irresistible. If, however, the union permits such discharges, if it grants to the manufacturer complete freedom of discharge, the result will be that no aggressive workman will serve on such price committees, and the employer will practically determine the prices at which all garments are made. Collective bargaining will disappear. This right to discharge, which really means the right to determine labor conditions, is therefore at the bottom of the whole controversy. It is this conflict over the right to discharge which led the Manufacturers' Association to denounce the protocol. But in doing this—if their action goes no further—the manufacturers of the Association have simply rendered their own position more intolerable. Unless some new agreement is reached each employer will be obliged to listen to dozens if not hundreds of separate grievances, and may have to face a strike at any moment. He will never know whether he is not paying higher wages and granting better conditions than is his next-door rival. He will not know whether at the height of the season the whole industry may not be called out on a general strike. Even if the union be absolutely crushed, his situation is no better. The less the resistance of the union, the lower will be the wages and the worse the conditions in the little shops which compete with the big manufacturers, and the worse relatively the position of these bigger manufacturers. In its own interest, as in the interest of the union, the Manufacturers' Association is compelled to seek some new basis for a trade agreement, by which uniform conditions can be established within the industry.

Such a new agreement must go even further along the path of standardization than did the protocol. It must establish uniform conditions both among the week-workers in the industry, and among those who at present are paid by the piece. It must be based as far as possible upon a strong trade union and a strengthened Manufacturers' Association, each possessing and utilizing the power to discipline its own members, and each respecting and fearing each other.

It is conceivable that we may suffer a severe strike in the cloak and suit industry before this new agreement is reached, for we must not forget that an eight weeks' strike preceded the protocol of 1910. Such a strike should not, however, be necessary. If on both sides the problem is approached in a statesmanlike manner, a satisfactory solution to the present situation is quite possible.

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Dirty Work

A FRIEND of mine whose annual income is at least twenty-five thousand dollars has bought a farm. He has rebuilt the house and planted the grounds with things lovely and useful. The other day five of us drove out to see him, five sons of luxury in a plutocratic motor car. As we purred up his driveway, he stepped from behind a clump of shrubbery. His face and throat dripped with perspiration, his hair was tousled, his trousers and boots were befouled, and he carried a dung-fork on which he leaned in an attitude of labor at ease while he grinned at our banter. He showed us a vegetable garden which he had planted himself, hundreds of fruit trees which he had helped to set out, and a stone wall which he had laid at odd moments all alone while his men were busy with other tasks. He is a man of great physical vigor and there is no doubt that his muscular efforts have been truly creative, something more than the dabbling of the gentleman amateur.

Why at the approach of these friends did he not run away to wash and dress? Because he was proud of his work, proud of the evidential muck, proud of his Tolstoyanly picturesque uncleanliness. He was proud because the work was his, because it was done for itself and for himself, because he was not compelled to do it. There was no social stigma upon it. Suppose that this pretty farm belonged to another gentleman, and that he, our friend, having lost his fortune, had been obliged by hunger to sell the labor of his hands. And suppose that he, once prosperous, now reduced to the position of a hired man, had seen us rolling up in a motor car. Would he have stepped forth to meet us, swinging his dung-fork with obvious pride, or would he have slunk off behind the barn? In the supposed case the kind if not the quantity of work would have been the same as in the actual case; no more dirty, no more degrading as a physical activity.

I have just read some wonderful letters from a French scholar who is in the trenches. He is an artist, a psychologist, a philosopher. His descriptive phrases flash against a cold blue irony. The fine-handed man of books, who has never known real poverty or physical hardship, is now Corporal X, up to his waist in filth. With the decent simplicity of the French mind he records the filth, and behind the recorded horror he intimates the indescribable. His letters are proof that his delicate imagination has not been coarsened by weeks of wallowing in muck. He has no sense of heroics. His speculative mind is calm and cheerful, sustained by a sort of realistic wisdom. It is no disgrace for this cultivated professor to be a muddy corporal, the equal of city workmen and peasants. Society honors the man who plunges into the nastiness of war. If our professor survives, an exquisite lady will kiss him without waiting for him to wash. His mother, who made sacrifices to put him through the university and watched him rise to the top of his profession, may be breaking her heart at the thought of his danger, but she is not grieving because her son is a failure, sunk to the low levels of labor.

Imagine a time of peace. Paris is being rebuilt. A great sewer is under construction. Behold our professor at work in the pit with the other diggers. His unhappy mother must account to herself for a son who has not got on in the world. The exquisite lady will be listening to another lover. Yet the sewer is more useful than the trench. And the work of building it is less disgusting. Labor ceases after a few hours, and there are baths near and clean clothes for the evening. What is the difference between a shovel in peaceful Paris and a shovel on a bloody frontier? The difference is in the social relation.

Once I drove from a great London hospital to a club which is so exclusive that a bomb from a Zeppelin would freeze on the doorstep. My companion was one of the most distinguished men in the world. He was an aristocrat in blood and in intellect. He was rich by inheritance and by his own efforts. For his services to humanity governments had hung his breast with stars, and universities had strung letters after his name. Over whisky and soda we talked of many things. I recall that when he spoke of the outrageous revolt of the dock hands his words were crisp with hostility. He viewed life from the seats of the mighty. His occupation? That morning he had thrust his hands up to the elbows in the diseased bowels of a man. He had been doing something which the ordinary layman cannot witness without nausea. A dirty job, but the kind of job that had made my friend, Sir James Arnold, the greatest surgeon in England.

When we foolish dreamers propose that some day the necessary work of the world shall be democratized, those who at present handle paper and piano keys instead of picks and shovels imagine themselves and their descendants reduced to the ranks of the swinking Italians in the ditch. "Who," they cry, "will do the dirty work?" The only fair answer is, "Everybody." And the implications of that answer are not repulsive but cheering if you think them out. Waive the important question, to which mechanical engineering is already giving the answer, whether much dirty work will not be eliminated or accomplished by more efficient hands than those of flesh and bone. Assume that man-

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kind will always have malodorous work to do. The curse of it can be removed if it is shared by all the able-bodied, if no man is forced to endure an excessive amount of it, and above all, if the doing of it does not indicate social inferiority. We would not have our talented professor spend all his time in the noble public work of building a sewer. It would be poor human economy to waste Kreisler in a trench, even a constructive trench. But if all took a hand and did each a limited chore, everybody would have leisure and surplus energy for skilful labor and the arts. And we should release from helotism some Kreislers who have never held a violin.

It is not necessary or possible to plan in advance any of the administrative details of a future democratic society. I, for one, shrink from William James's suggestion that we all be drafted for a certain amount of service in the army of peace; the hoof of governmental tyranny shows under the hem of that idea. All that I maintain for the moment is that society debases some kinds of work which might be disposed of cheerfully and expeditiously, and that there is no task, however disagreeable, which any healthy man of us would not tackle with a smile if we knew that society would not kick us for our pains.

JOHN MACY.

The Presidential Primary

ON President Wilson's desk lies a memorandum prepared by Senator Pomerene of Ohio, in which is shown that it will require a constitutional amendment to establish a system of federal presidential primaries. In the files of the messages and addresses of the President will be found a strong recommendation for a presidential primary system, and to the credit of several Congressmen stand several bills providing for this electoral reform. While the White House has so far failed formally to state whether it agrees with the Pomerene brief, it has hinted through the usual channels that the view of this conservative lawyer will in all probability govern the course of the administration in this matter. Barring unforeseen accidents, Mr. Wilson will not re-espouse his recommendation. Yet at the same time it appears that Senator Owen of Oklahoma, president of the National Popular Government League and a leading Senate Democrat, disagrees with Mr. Pomerene and will insist on presidential primary legislation. Possibly in spite of itself the administration will find on its hands next winter a conflict in Congress in which the President must play the curious role of opposing his own pet project.

The presidential primary movement, with the crest of whose wave Mr. Wilson came into office, really dates from the 1912 conventions, where scores of delegates, nominated and pledged by primaries, became a critical factor in making the selection of candidates. Colonel Roosevelt's case in the Chicago convention rested on the fact that public sentiment, as expressed at the primaries, bent toward him instead of Mr. Taft. Champ Clark based his case at Baltimore on the sentiment similarly registered in his favor during the spring months preceding the manipulations, and on bargains to which the politicians rather than the people were parties. Current everywhere among political writers for the next year or so was the view of an editorial in the *Outlook*, that "not only in no future campaign would a presidential candidate be nominated by the old-time party system of convention deals manipulated by party leaders or bosses, but that, in order to insure the selection of a presidential nominee by the choice of the voters fairly expressed, a national law relating to presidential primaries and controlling the action of party organization" was desirable. "A presidential primary," this authority went on to say, "is simply the election of a candidate to the presidential nomination of a party by the voters of that party."

The general feeling of disgust which had been stimulated by the scandals and the bad conduct of the 1912 conventions coincided with this opinion, and just as some people, horrified by the barbarism of the present European war, are saying that it is the last great war, so wise observers whose wish was no doubt nearly related to their thought, were declaring that these were the last great national conventions of the old-fashioned type. When Woodrow Wilson entered his recommendation for presidential primaries, he in effect adopted this sentiment.

The apparent death of the issue dates from the time when the White House gave out a résumé of the Pomerene memorandum. A reading of this paper—which scarcely fills two typewritten pages—proves that Senator Pomerene is a constitutional lawyer of the kind that believes everything is unconstitutional unless it is expressly permitted by the document. He says:

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> Congress possesses only limited delegated powers. Any power it may seek to exercise must find its source in the Constitution. The manifest purpose of the framers of the Constitution was to leave the selection of the electors wholly with the States. They delegated no power on this subject to the Congress save only to fix the time of choosing electors, and the day on which they should cast their votes. Clearly, the Congress was given no control over presidential elections by express words, except as above indicated, nor can it necessarily be implied from the language quoted. And if such power is not conferred upon the Congress with respect to the presidential elections, it can hardly be inferred to exist in so far as it relates to the mere choosing of party candidates for the presidency.

Presidential primary legislation, being, as Senator Pomerene believes, unauthorized by the Constitution, could be at most only "persuasive" in character, and not binding.

On the other side it is stated that while this may be very true, it is not all that has to do with the case. Presidential primaries deal not with electing Presidents or with electing presidential electors, but with nominating them. On the subject of making nominations the Constitution is just as silent as on the subject of nominating conventions. Of course, declare the advocates of the reform, the present method by which presidential nominations are made, like the present method by which Presidents are elected, is in its essentials unwarranted by any provision of the Constitution, yet were legislation enacted to enforce these methods, probably no one would be found objecting strenuously enough to force the Supreme Court to pass upon the question of constitutionality. Moreover, Senators and public men whose ability is easily as great as that of Senator Pomerene, are on record as believing presidential primaries to be perfectly constitutional. At least one living ex-President of the United States sees no constitutional objection, and the present President saw none till it was pointed out to him by a man who has never been known as a friendly expert on popular government.

Democracy has watched much water pass under many bridges since Governor Hughes scored in the East by making the then "cause" of primaries his own. Since that day primary laws have accumulated rapidly, and while no laboratory of political engineers has to our knowledge examined their workings with sufficient care and closeness to warrant the forming of an absolute judgment, nevertheless intelligent opinion is to the effect that no great gains against entrenched wrong have been effected through their means. There is an argument for the theory that voters become more discriminating the more they vote, but there is also an argument for the opposite theory. To the man in the street the primary—presidential and otherwise—means little except another election of candidates, chosen by somebody else in secret conference, and boomed in the press in ways mysterious to witness and uncertain as to morality.

A review of the history of the primary movement in this country would probably show that President Wilson took it up at the critical time in its career, at the time, that is to say, when, if ever, it was ready for nationalization. The fact that this adoption stirred up no great enthusiasm must be an indication that the revolt against the system which primaries are aimed to replace is a failure. The psychology which explains all this is yet to be written. When it is written, it will doubtless also be made clear that our American party system is not definite enough, and our American habit of failing to demand direct responsibility from political parties is too strong, to make an interstate popular system of nominating presidential candidates by direct vote desirable or workable.

President Wilson acted with sagacity when he allowed his advocacy of this movement to struggle to its end without artificial stimulus. Heresy as this is to Progressives, it is held by many who are not reactionary.

W. L. STODDARD.

The Dramatic Case of Epirus

OCCASIONS on which the grit and unsupported will of a small people have prevailed against the organized game of international diplomacy have been few. The entrance of Italy into the present war calls attention to the accomplishment of Epirus, a province fourteen hundred miles in area, with a population of between four and five hundred thousand, mostly Greek, which after more than a year and a half of determined fighting brought six Powers to terms in March, 1914. Only one dramatic episode in the history of the Balkan states, it is nevertheless significant of the whole determined struggle.

When the country bordering on the Adriatic was allotted after the Italian-Turkish war, Greece was awarded the lower part of the old Turkish province north of Janina which she had conquered, and which was peopled principally with Greeks. But Italy and Austria, each contending for power, yet acting in rough unison, refused to allow Greece to have Epirus, the upper part of Janina, although its people were the same and anxious to go under the Greek flag. Somewhat as though Italy and Austria had said to each other, "Here: we will lay this territory matter on the table, to be taken up later," Albania was created. Upon the pretext that the

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upper part of Albania, which would surely fall to Austria's lot, was too sterile to support itself, Epirus was thrown into the government pot; but the real reason was that Italy, in order to control the trade of the region, needed Saseno, the little island which commands the beautiful harbor of Valona, directly across the Adriatic from her "heel." Italy did not care about territorial acquisition, but because she desired Valona she took Corfu, so that she could dominate the passage back of the island.

The people of Epirus were enraged and desperate at this proposed disposition of them under Albanian rule. They are accustomed to higher organization and institutions than the tribal government of the Albanians, who have ruled themselves by the primitive law of vendetta and are of such lawless character that the hapless Abdul Hamid, feeling himself no match for them, always allowed them to continue exempt from all military and civil obligations, even from taxes. The Epirates, as they have been called, knew that to be put under Albanian rule was to be condemned to extermination, and they raised an outcry. Greece, sadly dissatisfied with the arrangement, protested to the Powers.

Europe took the matter under consideration, and a commission composed of one Englishman, a German, a Frenchman, an Austrian, a Russian and an Italian, was sent to Epirus to inquire into the state of affairs. Austria and Italy were contending that the arrangement was proper because the population of Epirus was by no means largely Greek. The commission was directed to discover whether it was or no, principally by the tests of language, customs and religious beliefs.

Austria and Italy, principally Austria, dramatized the investigations of that commission. Austria's representative well understood the psychology of good food, and he brought along his extremely competent wife, who knew how to make people comfortable. They took a house for the commission and saw to it that an Albanian interpreter was employed. The itinerary of the commission was mapped out and published.

The people of Epirus, oppressed by heavy fear, waited, on the proper days, in crowds by the roadsides and in the towns and cities, in Tepelenia, Moskhopolis (City of Musk), Dukati, Koritsa, to beg that the commission would not impose upon them an impossible rule. They eagerly anticipated questions upon the state of the country and the character of the people. But they waited in vain. The itinerary was never adhered to. On the other hand, the few Albanians who chanced to live along the route of the commission were haled forth to create an Albanian atmosphere.

Yet the staging was too obvious, the interpreter transposed too liberally the answers of such natives as were questioned. The bias of the investigation became so apparent as to disgust the French and English members of it. The Englishman left the house-party in some dudgeon, repairing to a hostelry, and the commission finally reported in favor of awarding Epirus to Greece.

Nevertheless the Powers disregarded the report. Italy and Austria exerted themselves, Austria through her influence with Germany. Russia had desires of her own which made it impolitic for her to stand in the way. Epirus was doomed to suffer Albanian rule, and Epirus with one voice declared that she would never submit.

Greece's governor of Janina at this time was one Zografos, highly esteemed as a man of power and of passion for all Greek people. When the verdict of the Powers was clear and Greece sadly resigned herself to it, Zografos handed in his resignation. He went directly to Epirus with the purpose of organizing the frightened and almost leaderless people to resist the decree of Europe. With him went General Spirimilius, a military man of ability, who became his minister of war and head of the army which was at once assembled.

The Powers had nominated and dispatched a committee of Belgians, neutral and supposedly disinterested, to establish a provisional Albanian government. Valona was chosen as the capital, partly because King Wied was so afraid of his new kingdom that he preferred to live in a seacoast town where he might embark at once if his subjects should get too unruly—an anticipation which was justified later, when he had to escape on one of the warships in the harbor. When the commission arrived it found that it could not carry out its plans, for Zografos was in harness. All it could do was to send the Albanian forces against Zografos to fight until they conquered him. Italy and Austria, however, uttered violent threats against Greece, whom they accused of fostering the rebellion. They demanded that she blockade the ports and recall Zografos.

Greece did blockade Santi-Quaranti, ordinarily a very busy harbor on the Adriatic, where Zografos had his headquarters. Further, the government of Greece stopped a great part of the funds, about $500,000, which the Greeks in America, in ardent sympathy with the people of Epirus, had raised and sent through the National Bank of Greece to help Zografos in his campaign. Finally Greece issued a warrant for Zografos' arrest.

Through the low mountain country the Albanians came against Koritsa, on the inner side of Albania, an extremely difficult town to defend—a town with a Greek college, a center of learning and civiliza-

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tion from the Middle Ages on. The people had to flee to the mountains, deserting their homes, and the Albanians occupied the place. But when they followed the inhabitants to the hills they were badly beaten and driven back beyond the town in rout.

Guerilla warfare in the main, the fighting was savage for over a year and a half. The people of Epirus, knowing that they were defending themselves from complete erasure, fought fiercely, and finally the Belgian commission, finding themselves powerless, recommended that Epirus be granted autonomy. Italy, grudging, but perhaps feeling in the diplomatic wind a tremor of this present storm, acquiesced. The negotiations were long and several times came near to suspension. Finally it was agreed that northern Epirus was to form a part of the Albanian state but was to enjoy a practical independence.

In the eyes of the Epirates this was a poor substitute for union with their mother Greece. But Zografos advised the people to accept their liberation from the worst evil and await with courage for a better status to be achieved later. The Belgian government was withdrawn, and Zografos, idol of the people whom he had freed, became Minister.

Things were at this point when the European war broke. Even before that time conditions in Albania proper were getting worse. The German king, Wied, was forced to abandon his short-lived reign and return to Germany. The various Albanian tribal chieftains quarrelled and fought one another. They menaced Epirus, which could not disarm, yet to keep permanently under arms was too much of a drain on already exhausted resources. By determined resistance intelligently directed, this little country had brought all Europe to its will, an amazing and unusual example of the use of a critical hour. If Europe had remained stable, the valiant people could have kept the pact made with the Powers, gained at such heroic expense. But when the Powers disagreed, they faced political chaos in the future as well as raiding Albanians in the present. Greece was asked to send a military force to northern Epirus to guard against Albanian raids, which she did. The Epirates hoped ardently that this temporary military occupation presaged fulfillment of their dream of union.

Italy at about this time threw a contingent of troops into Valona, nominally to put down Albanian revolution—a tentative step to be construed as might be by Greece, Austria and the Allies. She has not relinquished her plans, and, evil genius of Hellenism that she has always been since Rome swamped Greece with its legions, she will contend with Greece for every advantage when the time comes, although to-day she permits Greece's partial occupation because she cannot afford to quarrel. Epirus was actually autonomous from March until August, and is nominally autonomous still. Its future is in the gravest doubt, for Greece has lagged long before going to war, and her possible acquisition of territory depends in any case upon how she casts the die. If there were any justice to be had in the final settlement it would seem that this brave and persistent little people should be rewarded, and the memories of Europe's incapable treatment of them effaced by the union they desire.

GERTRUDE S. MATHEWS.

A COMMUNICATION

The Submarine as Engine of Democracy

SIR: The democratization of the high seas is the one world-important result of the war as yet clearly apparent, inevitable and definitely demonstrated. The submarine torpedo boat has accomplished the most revolutionary readjustment of the balance of power among maritime nations since the dispersal and destruction of the Spanish Armada in 1588 made England instead of Spain the mistress of the seas.

It needs no argument to demonstrate that the submarine is the only weapon yet devised that gives small nations an equal chance with large and powerful states in naval warfare. It is only necessary to point out what Germany, with not more than seventy submarines, has already accomplished against Great Britain. With two hundred submarines, Germany or any other power could at will so completely cut off the British Isles from all communication with the rest of the world that the literal starvation of their inhabitants would be the inevitable result, did they not speedily come to terms with the enemy. England's "splendid isolation," which has been its greatest strength, has overnight become its greatest weakness.

England, if dependent upon the products of its own soil for subsistence, is barely five weeks ahead of famine. So long as it controls the seas, it is safe from starvation. The minute that control passes to an enemy power, England's domination ends. Even little Holland could well afford to build and maintain a navy of submarines strong enough to enforce its demands against the battle-cruisers of Great Britain. A serviceable submarine torpedo boat can be built for three hundred thousand dollars or even less. Many of the efficient units in our own submarine flotilla have cost less than that. Our best submarines now in commission, those of the "K" type, cost about half a million dollars each. The single large seagoing submersible torpedo boat authorized for our navy will cost, completely equipped, barely a

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million and a quarter. Admiral Sir Percy Scott, the first English naval man to see and clearly recognize the meaning to England of the development of this new weapon, was laughed at when, six months before the outbreak of the European war, he publicly advised the Admiralty to cease spending billions on battleships and instead to create a tremendous fleet of submarines, fast scouting cruisers and aeroplanes. Germany long before had seen the possibilities of the new arm. For the first time in history Great Britain was not the first to recognize and adapt to its own purposes a revolutionary military development.

England was first among the nations of Europe to bring gunpowder to its aid in fighting its battles. The substitution of cannon and musket for catapult and crossbow almost at once placed England, one of the weakest of nations, on a parity with the older and stronger powers. It placed the individual soldiers of opposing armies on an equality which had never before obtained. Mere muscle and brute strength were no longer the essential qualities for the fighting man. Out of gunpowder grew the specialized fighting ship, the nucleus of the navies of to-day, and here again England was first to see the possibilities for the nation that would depart from the ancient dependence upon armed merchant ships and substitute for them craft especially designed for fighting purposes. When warfare at sea was a matter of pikes and grappling-hooks, cutlasses and boarding parties, Holland and Spain and the Italian and Germanic states were able to hold their trade routes open against the world. But when England built her "wooden walls" the free seas vanished.

English initiative and enterprise needed only the backing of a navy to establish control of the world's trade through control of the sea passages. Wherever there is a strait or a channel through which commerce must pass, England controls it. The approaches to our own Panama Canal are very much more under the control of the British Navy than under our own, through the chain of British Islands in the West Indies, and the British Colonies in Central America and the northeast coast of South America. Gibraltar, Suez, the Straits of Sunda, and all of the passages to India and the Far East, the routes to Alaska, to China, to Australia, the passages to the North Sea from every direction—all these England controls, and now she is fighting for the control of the Dardanelles. No opportunity to strengthen her grip on the high seas has been overlooked, and none can blame England for seizing the opportunities as they arrived. But the policy once formed, it has been incumbent upon England to maintain her position by constantly strengthening her sea forces.

When the battle between the Monitor and the Merrimac in Hampton Roads made the wooden fighting ship obsolete, Britain was the first to begin building armored men-of-war on a large scale. And so long as she could continue to build armored ships as fast as any other two powers could build them, she could retain her dominion of the seas —until the submarine came.

The submarine and its possibilities are no longer theories. They are concrete, demonstrated facts. The submarine has proved its value, and like every other new weapon in its time, has proved capable of horrible misuse. Each new tool of war has given rise to a new code of war. Only the law of the sea has remained unchanged. In the face of the submarine and its dreadful powers, the nations of the world must, in mutual self-defense, formulate a new law of the sea.

It was centuries after the introduction of gunpowder before the law of war that forbids the bombardment of undefended towns was formulated, with its corollary that due notice of intention to attack must be given to fortified towns, that non-combatants may seek safety elsewhere. The new law of the sea must run on all fours with this. It must go further and apply to private property at sea the same laws that apply to private property on land. An army cannot take or destroy private property without compensation, under the recognized rules of modern warfare. Private property at sea is still fair prize for every enemy ship. The use of the submarine against private property must be restricted by the same rules that apply to the use of the cannon against private property on land. And the new sea law must apply not only to the submarine but to all armed ships.

This means freedom of the sea. That must come, and cannot fail to come, as a result of Europe's present struggle. The submarine makes it certain. As between nations it is the mightiest engine of democracy the world has seen. And as with the other forces of democracy, the world must guard against its abuse.

FRANK PARKER STOCKBRIDGE.

CORRESPONDENCE

Freud Vindicated

SIR: Your correspondent F. V. K. is mistaken in assuming that Janet is not generally known in America. Up to a year ago he was probably much better known than Freud. His criticism of Freud was therefore eagerly expected, as Janet is recognized as a man who usually speaks with authority and scientific precision. His paper was printed in full in the *Journal of Abnormal Psychology,* Vol. IX, Nos. 1, 2 and 3, under the editorship of Dr. Morton Prince.

Let me mention two notable incidents which occurred when the paper was read at the medical congress in London. Janet there referred to Dr. I. Coriat as an American authority who had recognized the folly of Freud's theories and had properly denounced them. Dr. Coriat immediately rose and announced that he had completely reversed his position and now accepted Freud. Had Janet inquired further he would have learnt that at least a dozen prominent American neurologists and psychologists, such as Drs. Putnam, Brill, Burrows, White, Jeliffe, McCurdy and Professor Ewin B. Holt, are all followers of Freud. At the same time Dr. Earnest Jones of London undertook to rebut Janet merely as to facts, and pointed out so many glaring fallacies in the criticism that Janet was put to some confusion and excused himself on the score that he was ignorant of German and had relied mainly on abstracts which might conceivably have been inaccurate.

It was to be expected that the printed criticism, even if it did not show a change of opinion, would at least have rectified mistakes. Dr. Jones points out that all the misstatements are repeated, and in his very vigorous article in the same journal (February, 1915) proceeds to expose the apparently deliberate misconstructions and distortions to

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which Janet has subjected the work of a fellow scientist. I lack space to discuss them here, but if F. V. K. is one of those rare critics of Freud who has also read him, he is most welcome to make textual comparisons. Janet's blunders are so incredible that ignorance or malice hardly account for them. For instance, Dr. Jones points out that Janet's criticism of the Breuer and Freud "Studian ueber Hysterie" amounts to saying that the authors merely use three new unnecessary terms whose meaning they had borrowed from an earlier book of his. Dr. Jones adds very neatly: "Professor Janet's failure to find any new ideas in the book is to be correlated with the fact that of the three new terms he found there, two do not occur in it, while he quite mistakes the meaning of the third one. . . 'psychoanalysis' was coined some time after the book was published, and the word 'complex' was introduced some ten years later." Misstatement could hardly go further.

As to F. V. K.'s own misconceptions: Janet was never Freud's master. Both men were pupils of Charcot. Nor did Janet originate the method of psychoanalysis; he would hardly want to father what he so roundly denounces. His claims are much more modest. He merely says that everything good in Freud was appropriated from him and that the rest is a matter for laughter, "une mauvaise plaisanterie." While he remains at that level of criticism it is perhaps kindest not to take him too seriously.

ALFRED KUTTNER.

New York City.

Judicial Defects

SIR: Too much emphasis, it seems to me, is placed upon the value of a single court by the authors of your article "Organization of the Courts." Such court is no doubt desirable, but the percentage of cases in which jurisdictional questions arise is very small.

The real defects of our judicial system as it affects the ordinary litigant are three. Perhaps the most potent cause of dissatisfaction is the inefficiency of a large part of both bench and bar. A very considerable proportion of appeals are necessitated because of such incompetence. This is not, however, a matter which the Constitutional Convention can remedy.

The second glaring defect of the present system is that it affords opportunities for delaying a final decision. A single court would no doubt relieve such delays as are caused by mere congestion. These, however, are by no means the most serious. It is the delays which are wilfully caused by one of the parties that most harmfully affect the administration of justice. Roughly, they may be divided into four classes: 1. Interposing an answer which is substantially frivolous. 2. Raising preliminary objections and seeking preliminary relief in order to postpone the trial. 3. Securing a reference with the object of dragging out the trial. 4. Taking frivolous appeals.

1. It is almost impossible to obtain summary judgment in New York if the answer raises an issue of fact. The New Jersey practice act permits the plaintiff to obtain judgment at once whenever he can show by affidavits that an answer has been interposed for delay and that the issue of fact raised is in fact frivolous. As was recently pointed out by Presiding Justice Ingraham of the Appellate Division, some such remedy is highly necessary but might be found to conflict with the constitutional guaranty of trial by jury.

2. To-day a party can demur (i.e., raise an issue of law), move to make a pleading more definite and certain, move to strike out matter therein, move to compel a reply, move for a bill of particulars, move for an examination before trial, move for an inspection of books or papers, or a physical examination, move for leave to amend, and move for a reference. If unsuccessful in any of these attempts he may take an appeal. It is thus not unusual for a rich defendant to succeed in putting off a trial by making a series of unsuccessful motions followed by equally unsuccessful appeals. No reason can be suggested why a party should not be compelled to make all his preliminary objections and seek all his preliminary remedies at one time. The English system with regard to preliminary matters should be carefully studied. Our ill-drawn code is in a large measure responsible for this sort of litigation. It is therefore important that the judges who administer these matters should establish the rules free from legislative interference.

3. The present system of references is no less than an outrage. Any number of judges use it for political patronage, with the result that referees are frequently utterly incompetent. The most serious grievance is, however, inherent in the system. Referees are usually practising attorneys and therefore can give but little time to their references. Moreover, the expense of such references is frequently appalling. A beginning has been made to remedy this defect by the appointment of former justices to act in certain cases as official referees without cost to the parties. Referees should be salaried officers of the state, chosen for ability and expected to devote their whole time to their work. A refereeship should be a step toward a judgeship as well as a refuge for ex-judges.

4. Appeals should not be allowed from preliminary orders except where substantial rights, as distinguished from mere procedural rights, are affected. Although this is a line difficult to draw, substantially such a rule has been followed by the Federal courts. Finally, an appeal to but one court should be allowed as a matter of right. In this matter I am in full accord with the authors of your article. It seems to me, however, that it is a mistake to deprive the court of final appeal of the right to pass on questions of fact. The Court of Appeals is now so limited in certain cases, with most unsatisfactory results. It has always been very difficult for the courts to distinguish between questions of law and questions of fact. Moreover, when the Court of Appeals has wished to reverse on a question of fact it has usually been able to find some question of law upon which to hang its reversal—a practice hardly consonant with the orderly administration of justice. The function of a final court of appeal should be to decide matters which have been divergently decided by intermediate tribunals or which are of such great difficulty or importance that the intermediate tribunal feels uncertain of its decision. This is a function which can best be performed by requiring the intermediate tribunal to certify to the final court the question or questions to be passed upon, as is now done in certain cases by the Appellate Division, with very satisfactory results.

There is one other respect in which the present judicial system utterly fails—the enforcement of creditor's rights after judgment or in insolvency proceedings. No efficient machinery for the collection of judgments exists, the sheriff's office never finds property, and the usefulness of supplementary proceedings is impaired by the disinclination of the courts to act as a "collection agency." The administration of insolvent estates, whether under state or federal law, is too often a scandal, persons are appointed receivers and trustees who have no qualifications for the work expected of them, and the conduct of the administration only too frequently benefits none but the attorneys in-

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volved. Some really efficient office should be created which would administer insolvent estates and make impossible the "judgment-proof" debtor who lives on the fat of the land.

OSMOND K. FRAENKEL.

New York City.

Statistics in Chicago Suffrage

SIR: May I submit some further data concerning the women's vote in Chicago? A correspondent in your issue of May eighth calls attention to the fact that fewer women than men voted in our recent municipal election, and he assumes that this is due not to the fact that fewer women are entitled to vote, but to their unwillingness to exercise their right to vote. Your correspondent professes a contempt for statistics, but the weakness of his own argument is precisely that he offers no statistics in support of it. His statement that "in Chicago there are as many women as men" is not only incorrect, but even if it were correct, it would not follow that as many women were entitled to vote; in Chicago only citizens over twenty-one years of age are entitled to vote.

The last (1910) federal census gives the following statistics:

POPULATION OF CHICAGO

	Male	Female
Total	1,125,765	1,059,519
Over 21 years of age.....	700,590	626,629
Citizens over 21 yrs. of age*..	509,638	Unknown

*I. e., including all native-born white persons and all negroes twenty-one years of age and over, plus all naturalized foreign-born persons twenty-one years of age.

The census unfortunately gives only the number of naturalized men twenty-one years of age, and it is therefore impossible to determine how many women are eligible to vote; but attention may be called to the following facts.

There were in Chicago, according to the last census, 73,961 more men than women twenty-one years of age and over. Of the 626,629 women twenty-one years of age and over, 304,371 were foreign-born women, not entitled to vote unless they had been naturalized. Until last year it was quite uncommon for an unmarried immigrant woman to take out naturalization papers. And it is not yet customary, for if she marries she takes her husband's status, and most of them expect to marry. It is safe to assume that the unmarried foreign-born women twenty-one years of age and over cannot vote, and although the census again fails us as to their exact number, a near approach is given in the 45,683 foreign-born unmarried women twenty years of age and over. A few of these women would have been naturalized as minor children by their fathers, but the number would probably be small. On the other hand, a not inconsiderable number of native-born women have lost their right to vote by marrying unnaturalized foreign-born men. A good many such cases were discovered last year among the members of various women's clubs, and they are even more common in immigrant neighborhoods. At the last election, for example, a young Italian woman who came to register at our Hull House polling-place showed Miss Addams with great pride her school-graduation certificate, which she seemed to think might be of assistance in identifying her, though she had been born near the House and Miss Addams had always known her. She had recently been married, however, and was much surprised at the question, "Is your husband a citizen?" He was not, and when told that she could not vote, she said, "If I'd have known, I wouldn't have married him until after the election." On the whole, it seems conservative to estimate that there are 100,000 more men than women eligible to vote in Chicago.

Moreover, two other facts should not be forgotten in attempting to estimate the number of women voters. First, it is not two years since women were given the limited suffrage they now possess. There has been great confusion, requiring two decisions of the Supreme Court, as to whether they could vote at all and as to what officers they could vote for. Relatively little has been done as yet toward getting information to the great mass of women regarding their right to vote and the necessary instructions regarding our very complicated registration and primary laws. The second fact of importance is that the number of women who have the right to vote must be discounted by the number of opposing husbands who are unwilling to "let" their wives vote. Here again we are dealing with an uncertain quantity. One very nice woman near Hull House said, "He's that against my going over to the polling-place, I'd never dare to do it." A resident of the House undertook to explain matters to "him," but without success; for although he had been in the Bridewell three times, he said he "was not going to have his children disgraced by seeing their mother go to a voting-place." Moreover, husbands of this sort seem to exist in all ranks of society; in a well-to-do section of the city a woman said to a friend as she left the registration booth, "Thank heaven, he was out of town to-day. I wouldn't have dared to do it if he had been home. Anything to keep peace in the family!"

EDITH ABBOTT.

Chicago, Ill.

Religious Education on the Way

SIR: There has been considerable discussion of education in your columns. I would draw your attention to some remarks by Professor George Wharton Pepper when he was delivering the Lyman Beecher lectures at Yale University recently. Mr. Pepper is a prominent lawyer in Philadelphia (incidentally a non-Catholic), a graduate of the University of Pennsylvania in 1887, and held the Algernon Sydney chair of law in that University from 1893 to 1910. In one of his lectures he said: "In the Roman Catholic Church, where much of the educational work is done by the clergy, or the Sisters, in a struggle for the religious education of the young, they are undertaking the work against frightful odds. It is a terrible sacrifice on the part of our Roman Catholic brethren and the wonder is how they can endure the sacrifice." In his fifth lecture, on April fifteenth, before an audience so large that many were unable to gain admittance into the hall, he declared: "There is no doubt in my mind that the Catholics have the finest system of education possible, and I am positive that the time is coming when a move will be promoted to have each religion care for the education of the children of their creed, just as Catholics are doing at the present time. I believe that these various religions will receive a small compensation from the state for the education of each pupil. In this way the children of each creed will be freed from the rival claims of other creeds, and the time is not far off when to know God will be considered the greatest of all the uses of the human mind. And when this move is started you may be sure that it will have strong political backing." This testimony is at least interesting.

L. H. W.

New York City.

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Open Air Performances

ON visiting England one is immediately greatly struck by the stylishness of its men. In various quarters, it is true, the men do not sustain this impression. I remember experiencing a patronizing throb when I visited the National Liberal Club. The creatures there were anything but stylish. They wore coats of one sort and trousers or pants of another. They were noisy and informal and they had a gross friendliness. They resembled Chicagoans. But outside this plebeian whorl, and outside a strike meeting at Lambeth Palace, and outside my cheap nonconformist temperance hotel, I seemed to meet no one but Olympians. Entering or leaving undemonstrative little clubs, reclining in taxis, or merely walking, they had an air of having inherited the earth. A three-mile immunity seemed to surround them, and behind it they possessed themselves incommunicatively fair.

Among my acquaintances was a Falstaffian newspaper man. Hearing him berate King George for failing to take the tips on popularity which he himself and the chamberlain had agreed on, I felt encouraged to confess my envious appreciation of these Olympians and to deplore my native lumpishness. He looked me over for a moment and then rumbled: "Go to a military tailor."

Intimidated though I was by his spacious establishment, the military tailor gave me affecting consideration. The cutter noted my dissymmetries without fainting. I was laconic, nonchalant, decisive. The tailor spoke of the weather and I responded like the Little Father. The low topic of money was never mentioned. I departed with an agreeable nod, pulling on a glove.

The bill, which is still unpaid, was stupendous. But the point of this reminiscence is not the bill. It is the sleeve buttons. Sleeve buttons were not of course a novelty. Two, or three, or sometimes even four of them trim my other sleeves. But these sleeve buttons are no vulgar sham. Like all the others one had ever worn they serve no particular purpose, but unlike all the others their purposelessness is treated with the utmost seriousness and respect. Made by a man accustomed to charge $400 or $600 for a uniform, they are not merely superficially meaningless buttons. They are deeply meaningless. They fit into real buttonholes, not false ones. At any time I desire I may unbutton my cuff and, having unbuttoned it, may rebutton it. It is a ritual in which, frankly, I do not often indulge myself. But on any occasion when I am carried away by a wish to enjoy my difference from other plebeians I quietly undo the last button and think how easily I might wear a handkerchief up my sleeve. It is a consolation for possessing neither wrist watch nor eye-glass nor spat.

The devotion which caused my military tailor to sew those useless buttonholes recurred to me when I saw Granville Barker's open air productions. I had foolishly expected an adaptation of the modern stage to outdoors. I had actually reckoned on a modern performance. But here for background was the historic Greek temple, the old hut of the actors, and here was the embryonic stage, and here the circular orchestra with the altar at its heart. Being no antiquarian or specialist, I could not say how correct all these things were. Nor when the choruses came on could I determine whether they did their part accurately. Perhaps everyone else knew, but for me they were vestiges of something I had no means of understanding, patient reconstructions of a sort I could only blindly respect.

Not possessing the needed clue to this reconstruction, I could but wonder at its effect as art. I admired the skill of the chorus in keeping the chalked lines of the orchestra. They put the most mesmerized chicken to shame. But the ritualistic pantomime meant nothing to me, nor did their manner of chanting. As Trojan Women, women whose fate was desolation, these young ladies in tight swimming bonnets and long grey overcoats were incomprehensible. Their lyrics gave no illumination. Beautiful of themselves and essential to the tragedy, they were declaimed in the marshmallow voice of polite Episcopalianism, or possibly of the Epworth League. Their one effect was to make the world Sabbatarianly solemn.

To the Greeks there was no doubt a special meaning in this employment of the orchestra. In the modern performance the fluid seemed a little thin for the great area into which it was poured. To criticize such a retrospective effort, however, lays one open to the charge of dull naturalism. To the mind of a child, that most patent of naturalists, it is quite possible that the poetry of Swinburne would not seem eloquent, but the incompetence would not be precisely Swinburne's. A sensation of inadequacy in the spectator is assuredly no proof of inadequacy in the performer. The only tenable grounds for complaining would perhaps be Mr. Barker's aim to be popular. He gives Greek tragedy in English because he wishes to reach the people. Wishing to reach the people, the only point that might be reasonably urged would be the profit of extending translation to setting and interpretation as well as phrase.

Without meaningless ritual the open air production might be acted out in a semi-circular orchestra, with more stress on the drama and less on the archaeological form. I could imagine obtaining a deeper satisfaction under these circumstances, feeling a deeper impact from the Euripides that lives. But producers have their own laws, like military tailors, and there may be precious reasons for doing things in the antique way which the ordinary uninitiated cannot suspect.

The evening production of "Siegfried" in the Harvard Stadium last week is open to less speculative criticism. It was the spectators in this case, not the performers, who were out in the air. The opera itself was performed in a giant box on an ordinary stage, with ordinary scenery and ordinary electric lighting. Under this box in the familiar position was the orchestra, but the roof that directed the waves of vocal sound to the 20,000 auditors around the stadium did not prove effective for the instruments. Those nearby heard them clearly. Those far back got vagrant phrases, but the full effect was wafted straight to heaven. It was a delightful way to hear opera. The quietude of the night and the pride of the setting added greatly to the opera's impressiveness, and the triumph of such tones as Wotan's was enhanced by the space they dominated. But against the dignity of the sky overhead and the looming shapes beneath, the actual setting of the opera seemed paltry. A tiny breath of wind made its trees and skies wobble. A gleaming factory light in the background made nonsense of the operatic pink. It was a transplantation, not an adaptation. The voices were knowingly pitched for the stadium, but not the performance itself.

In this climate the open air performance of opera and drama are entirely practicable and desirable. The special problems involved should not, however, be slurred because tradition has had it one way, or because an indoor production can be easily transplanted to a football stadium. The possibilities out of doors are too noble not to be taken creatively.

FRANCIS HACKETT.

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Books and Things

ONE obstacle to the success of any Greek tragedy played in the United States is the presence of Bostonians among the spectators. A Bostonian may or may not be a person born in Boston. A Bostonian is a person who takes with him to any performance a set of contradictory expectations, not more than a few of which could by any possibility be fulfilled, who attaches great importance to the disappointment of his expectations, and who makes his disappointment the subject of whatever he has to say about the performance. If the disappointment be severely one it finds expression in the handiest of formulas: not my idea of a Greek play. If the disappointment be in details it expresses itself through some offspring of the parent formula; not my idea of Hecuba, not my idea of Helen, not my idea of Cassandra, not my idea of a Greek chorus. Among the people who say such things ninety-nine out of every hundred ought to know that nothing would be less like "their idea" of a Greek play than a Greek play as performed in fifth-century Athens. What have they done to a performance when they have told you that it is unlike what they expected? What did they expect? Did their heads contain anything precise enough to deserve the name of expectation?

To the last question the answer is of course that expectation doesn't have to be precise in order to be disappointable. When we arrive in a foreign city, and catch ourselves thinking it unlike what we had expected, we often make at that moment the discovery that we had formed any expectation whatever. So in the case of a Greek play, of "The Trojan Women," for example, there is nothing foolish in our perception of the unlikeness of reality to expectation. What is foolish is our belief that this perception is of importance to anybody but ourselves. And what is both foolish and unfair is our failure to remember that, while the future we look forward to is nearly always several contradictory and mutually exclusive things, the future when it turns into the present always turns into one thing. Unless we have taken reason like a stick to our expectations and have beaten them into a consistent unity, any performance of a Greek play is bound to disappoint some of them. If the past we remember were as full of contradictions as the future we expect, we should lose our minds.

Sitting in the stadium the other day, at the College of the City of New York, and looking at Mr. Granville Barker's production of "The Trojan Women," my first feeling was "neither joy nor sadness, but an extreme surprise." Hecuba and Cassandra and Andromache and Helen were real women who wore costumes, beautiful or splendid or sombre. They ought not to wear such costumes. They ought not to be women. This is not my idea of etc., etc. My idea, as I discovered by poking about among faded memories, was that the women in Troy, like the men who fought under the walls or nearer the ships, were outlines and monochrome flat surfaces. An expectation that my eyes had, and that I didn't know they had, was that the persons in the play would resemble those cuts after Flaxman which I found as a child in a book called, I believe, "Cox's Tales of Ancient Greece." And although the actresses and actors surprised me by looking unlike Flaxman, they surprised me nearly as much by looking unlike certain damaged reliefs, made of weathered stone seen for the first time thirty years ago.

Such expectations as these, and the more militant and abundant expectations of people who have more Greek than I, it is the business of a stage director first to disappoint and then to make us forget as soon as possible. I have no idea what is the best road to this goal. The shortest road is by imposing his own convention upon us at the earliest possible moment, by making us realize that what we are looking at is a translation into acting and colors and groupings of somebody's concrete vision. In the theatre nothing succeeds like definite will. Mr. Barker and Mr. Norman Wilkinson knew so well what they were about, their will was so strong, that before the play was half an hour old I had quite ceased to feel that the production was unlike what I had expected. Memory had stopped competing with the present. Thereafter the play spoke with its central feeling. And at moments when I could not feel, but began to criticize, I was aware either of some flaw in the stage director's will, some hesitation or compromise, or else of something in the acting which seemed a failure to execute the dominant design. In other words, I had substituted, as a test by which to try the production as it unfolded itself, the producer's intentions for my own expectations. He had made me accept his convention. A stage director who forces most of his audience to accept his convention has won his game.

Collectively, while the play was going on, the spectators seemed deeply moved. After it was over, and I was making my way out of the stadium and listening to the comments, I couldn't help wondering how many of the spectators were worth moving. Only for a moment, however, for I remembered that we are a glib and inexpressive people, and was ashamed of having judged the feeling by the words. Of course I don't know how many of the spectators accepted Mr. Barker's and Mr. Wilkinson's convention, or how many of them admitted that some convention was necessary. To me the convention seemed most of all successful in the use of colors which almost immediately surprised one into expecting something different from what one had expected, in a treatment of the chorus so positive and ceremonial that one lost almost immediately all desire for a little more realism, and in a frank recognition that "The Trojan Women" is rather a series of scenes, an attempt to express one mood through pictures of several moods, than a rigorously unified play.

What would be the perfect way of mounting and acting a Greek tragedy? Suppose one of our leading thesaurizators gave you a free hand and a blank check—what would you do with Euripides and Sophocles and Aeschylus? One or two things are plain enough. The same convention would not serve for both Sophocles and Euripides. With "Oedipus the King" it might be a good plan to aim at Marmorschoenheit by offering statues to the eye and a retarding chant to the ear. But this particular treatment would lignify the "Bacchae." Even in the case of Sophocles alone a treatment which might do very well for either "Oedipus" would not do at all for the "Philoctetes." Still wider would be the variety of treatment needed for Euripides. Every production would concede something to the statuesque convention—a certain immobility in the actors' faces, a certain monotony in their speech—and something to the musical convention—the actors' motions repeating and varying the rhythm of the whole play. For some plays there would be more dance than statue, for others more statue than dance.

P. L.

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Imagism: Another View

IT was an ingenious attempt on the part of Mr. Aiken in his recent article to define the place of imagism in contemporary poetry. It is a comparatively easy task to differentiate a "new" movement in art, but a difficult process to place it in the constantly shifting ground of artistic progress. We cannot make a thing by wishing it so; even our dislike of a thing is no assurance that we have broken through more than the surface-meaning; and this fact is often betrayed by uttering irrelevancies and confusing relations. Now to call *vers libre* a fad is to go wide of the mark; very wide of the mark, when it is realized that there are no classic metres in English poetry, and that because of this the French consider that English poets have always written in *vers libre*. Imagism has made a logical reappearance in English poetry for centuries; certain modern poets have given it a name, because it is the habit of the time to find a name for truths. I doubt if many of us would question the critical authority of Remy de Gourmont. In him, as in all French criticism, is the essential quality of balanced judgment. Of the movement to which Amy Lowell, John Gould Fletcher and Richard Aldington belong, he has written: "The Imagists are evidently descended from the French Symbolists. One sees that at once in their horror of the *cliché,* the horror of rhetoric and of the grandiose, of the oratorical style, that easy style with which the imitators of Victor Hugo have disgusted us forever. As positive precepts, they wish precision of language, clearness of vision, concentration of thought, and they like to combine these in a dominant image. Mr. Harold Munro, who has given an excellent outline of Imagism in the last number of *The Egoist,* finds the greater part of these principles in the best English poets and theorists of poetry, from Dryden to Matthew Arnold, but recent poets have neglected them too much. It is in this way that new literary schools are formed; they are always a reaction against the carelessness of the leading school and the worship which it necessarily has for *clichés* started during its ascendancy. In poetry, even more than in any other art, constant renewal is necessary, and when we see a school endeavoring to do this, above all by invoking eternal, although disregarded, principles, we can only augur well for its future."

That these aims are acknowledged by the imagist poets this preface proves; and better than acknowledged, they are constantly practiced. A reliance on Mr. Pound's statement is likely to involve one who heeds it in contradictions. In the first place Mr. Pound approaches every artistic theory through a series of negations; in the second place, a versifier so derivative as Mr. Pound negatives himself from, as he has amply proven in his prose ramblings, the influence of one theory and school by another. Imagism is, in every sense, made up of positive forces.

After all, a name is only a convenient handle by which we carry the identification of things. You cannot isolate a force or degree or quality of feeling, because the shape and material of language is custom-made rather than ready-made. All poetry comes out of feeling; the degree to which feeling is personalized in images determines not the logic of form but the measure of emotion and imagination which gets into the substance. It is on this basis that the poetry of Amy Lowell, John Gould Fletcher, Mr. Flint and Mr. Aldington must be judged. They believe that what they feel, experiencing life and observing nature, concerning the mystery and wonder of things, can be better reproduced for communication if certain artificial, misleading, and useless impedimenta of language are eliminated. This is not to say that there must not be any decoration, any more than to say that in abandoning, for the purpose, the rhythm of metres, rhythm cannot find any other laws of control. A fallacy long accepted by the conventional-minded is the fallacy that the genius of the poet is revealed by what he can do under the restrictions of form. All really great poets have broken the traditional regularities of forms handed on to them by their predecessors; they found their genius could not achieve within the restrictions, and instead of adding to the mediocrity of the art, imposed technical obligations upon themselves which only the most rigorous and persistent labors could accomplish. This, it seems to me, is what the imagists are doing. It is what Chaucer, Shakespeare, Coleridge, Blake, Poe and Henley have done. And it is precisely the imagistic principle in the work of these poets I have just named which gives them a preëminent position in the art of English poetry. Whether the poetry of this modern imagist group is great poetry is a matter with which we ought to have but little concern at present; that it is good poetry can easily be proved. To prove it is all a matter of being able to demonstrate the difference between what is verse and what is poetry in their primary significances.

All art is artifice, Arthur Symons once declared, and the scope of poetry is neither enlarged nor restricted by the range of subjects with which it deals. It depends entirely upon the force of symbols in words, reproducing upon the mind an impression corresponding in exactitude to the gradations of a state of being in objects or experience, and thereby presenting a reality. This is what Poe accomplished, whose telescopic imagination observed but a small space of the starry emotions of humanity. So if the imagists in their poems show a vibratory sensitiveness to natural realities, and actually bring to us sensations of heat and light, of windy beaches, meadows, city streets and leaves, it must be the result of an active imagination stimulated by the only force upon which it is dependent and interrelated—the emotional. But to say that the imagists are only concerned in their poetry with natural objects is to disregard the human relations that are woven in the essential spirit of this external world.

Writing in *vers libre* does not constitute the whole purpose of the imagist poets. In fact, they have employed both regular rhythms and rhyme in their work. Whether employing the medium of *vers libre* or metre, they have shown, especially in a certain intensifying quality of mood, the first note of pure romanticism in English poetry of the last decade. The final test of poetry is not that it stirs one—for to be stirred is only a transitory experience, and this the merest jingle has often effected—but that it haunts one. It is not the feeling of contemplative anxiety aroused by the philosophic or moral imagination that gives to poetry its highest value, but the agitated wonder awakened in the spirit of the reader by the sudden evocation of magic. This is the haunting quality in poetry, a thing that has no web of reasoning, and whose elements are so unaccountably mixed that no man has yet learned its secret.

Now I contend that this is what the contemporary imagists are striving for. They do not always get it, but they get it, this subtle quality of magic, in a measure beyond the reach of all but a few poets of to-day. From the poems of Amy Lowell, of John Gould Fletcher, of H. D., of Richard Aldington, of D. H. Lawrence, if one had the space to go into detail here, quotations could be brought into evidence to prove the case. I approached the work of the imagists with considerable doubt, but soon found

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myself surrendering to an influence that was different from any other in the poetry of the day. It was often deeper than the theme of the poem—it was a force, an element, which created beauty on a strange new pattern.

WILLIAM STANLEY BRAITHWAITE.

"The Saddest Story"

The Good Soldier, by Ford Madox Hueffer. New York: John Lane Co. $1.25 net.

CAPTAIN Edward Ashburnham, heir of a wealthy British family, is wedded for reasons of family courtesy to Leonora Powys, the daughter of a financially embarrassed Irish landlord. The Captain is a sentimentalist, his wife a practical-minded moralist. Uninterested and unhappy in his wedded state he approaches or takes up with (1) La Delciquita, a Spanish coquette, (2) Mrs. Basil, wife of a British Major in India, (3) Maisie Maidan, wife of another British officer, (4) Florence Dowell, wife of an American globe-trotter who is the friend of the Ashburnhams, who tells the story, and (5) Nancy Rufford, a ward. Both her religious training and her social code compel Mrs. Ashburnham to keep up all those appearances which she deems that these and her dignity and social rights demand. She devotes her life to the task of standing by, saving, and reforming her husband. This results in her supervision of both his finances and his love affairs, to the end that her own soul is tortured while she tortures his. The minor characters suffer also, and in the end the Captain kills himself, his last love goes mad, and Leonora accomplishes her ideal, a happy marriage. Previous to this, one flame has died, another committed suicide, and the wise Spaniard has milked the Captain to the tune of twenty thousand pounds.

"I have, I am aware, told this story in a very rambling way, so that it may be difficult for any one to find their path through what may be a sort of maze. I cannot help it. I have stuck to my idea of being in a country cottage with a silent listener, hearing between the gust of the wind and amidst the noises of the distant sea, the story as it comes. And, when one discusses an affair—a long, sad affair—one goes back, one goes forward. One remembers points that one has forgotten, and one explains them all the more minutely since one recognizes that one has forgotten to mention them in their proper places, and that one may have given, by omitting them, a false impression. I console myself with thinking that this is a real story, and that, after all, real stories are best told in the way that a person telling a story would tell them. They will then seem most real."

Thus Mr. Hueffer in explanation of his style; a good explanation of a bad method.

In this story, as has been said, the author makes Dowell, Florence's husband, the narrator, and it is he who dubs it the "saddest one." This is rather a large order when one thinks of all the sad stories that have been told of this mad old world. Nevertheless it is a sad story, and a splendid one from a psychological point of view; but Mr. Hueffer, in spite of the care he has bestowed upon it, has not made it splendid in the telling. In the main he has only suggested its splendor, quite as the paragraph above suggests, and for the reasons it suggests. One half suspects that since Mr. Hueffer shared with Mr. Conrad in the writing of "Romance," the intricate weavings to and fro of that literary colorist have, to a certain extent, influenced him in the spoiling of this story. For it is spoiled to the extent that you are compelled to say, "Well, this is too bad. This is quite a wonderful thing, but it is not well done." Personally I would have suggested to Mr. Hueffer, if I might have, that he begin at the beginning, which is where Colonel Powys wishes to marry off his daughters—not at the beginning as some tertiary or quadrutiary character in the book sees it, since it really concerns Ashburnham and his wife. This is neither here nor there, however, a mere suggestion. A story may begin in many ways.

Of far more importance is it that, once begun, it should go forward in a more or less direct line, or at least that it should retain one's uninterrupted interest. This is not the case in this book. The interlacings, the cross references, the re-re-references to all sorts of things which subsequently are told somewhere in full, irritate one to the point of one's laying down the book. As a matter of fact, except for the perception that will come to any man, that here is a real statement of fact picked up from somewhere and related by the author as best he could, I doubt whether even the lover of naturalism—entirely free of conventional prejudice—would go on.

As for those dreary minds who find life morally ordered and the universe murmurous of divine law—they would run from it as from the plague. For, with all its faults of telling, it is an honest story, and there is no blinking of the commonplaces of our existence which so many find immoral and make such a valiant effort to conceal. One of the most irritating difficulties of the tale is that Dowell, the American husband who tells the story, is described as, first, that amazingly tame thing, an Englishman's conception of an American husband; second, as a profound psychologist able to follow out to the last detail the morbid minutiae of this tragedy, and to philosophize on them as only a deeply thinking and observing man could; and lastly as one who is as blind as a bat, as dull as a mallet, and as weak as any sentimentalist ever. The combination proves a little trying before one is done with it.

This story has been called immoral. One can predict such a charge to-day in the case of any book, play, or picture which refuses to concern itself with the high-school ideal of what life should be. It is immoral apparently to do anything except dress well and talk platitudes. But it is interesting to find this English author (German by extraction, I believe) and presumably, from all accounts, in revolt against these sickening strictures, dotting his book with apologies for this, that, and another condition not in line with this high-school standard (albeit it is the wretched American who speaks) and actually smacking his lips over the stated order that damns his book. And worse yet, Dowell is no American. He is that literary packhorse or scapegoat on whom the native Englishman loads all his contempt for Americans. And Captain and Mrs. Ashburnham, whom he so soulfully lauds for their love of English pretence and order, are two who would have promptly pitched his book out of doors, I can tell him. Yet he babbles of the fineness of their point of view. As a matter of fact their point of view is that same accursed thing which has been handed on to America as "good form," and which we are now asked to sustain by force of arms as representing civilization.

After all, I have no real quarrel with the English as such. It is against smug conventionalism wherever found, too dull to perceive the import of anything except money and social precedence, that I uncap my fountain pen. It is this condition which makes difficult—one might almost fear impossible at times—the production of any great work of art, be it picture, play, philosophy, or novel. It is

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the Leonoras, the Dowells, and the Nancys that make life safe, stale, and impossible. They represent that thickness of wit which prospers impossible religions, and moral codes, and causes the mob to look askance at those finer flowers of fancy which are all the world has to show for its power to think in the drift of circumstance. All the rest is formalism and parade, and "go thou and do likewise." We all, to such a horrible extent, go and do likewise.

But you may well suspect that there is a good story here and that it is well worth your reading. Both suppositions are true. In the hands of a better writer this jointure of events might well have articulated into one of the finest pictures in any language. Its facts are true, in the main. Its theme beautiful. It is tragic in the best sense that the Greeks knew tragedy, that tragedy for which there is no solution. But to achieve a high result in any book its component characters must of necessity stand forth unmistakeable in their moods and characteristics. In this one they do not. Every scene of any importance has been blinked or passed over with a few words or cross references. I am not now referring to any moral fact. Every conversation which should have appeared, every storm which should have contained revealing flashes, making clear the minds, the hearts, and the agonies of those concerned, has been avoided. There are no paragraphs or pages of which you can say "This is a truly moving description," or "This is a brilliant vital interpretation." You are never really stirred. You are never hurt. You are merely told and referred. It is all cold narrative, never truly poignant.

This is a pity. This book had the making of a fine story. I half suspect that its failure is due to the author's formal British leanings, whatever his birth—that leaning which Mr. Dowell seems to think so important, which will not let him loosen up and sing. The whole book is indeed fairly representative of that encrusting formalism which, barnacle-wise, is apparently overtaking and destroying all that is best in English life. The arts will surely die unless formalism is destroyed. And when you find a great theme marred by a sniffy reverence for conventionalism and the glories of a fixed condition it is a thing for tears. I would almost commend Mr. Hueffer to the futurists, or to anyone that has the strength to scorn the moldy past, in the hope that he might develop a method entirely different from that which is here employed, if I did not know that at bottom the great artist is never to be commended. Rather from his brain, as Athena from that of Zeus, spring flawless and shining all those art forms which the world adores and preserves.

THEODORE DREISER.

Lowell as a Critic

James Russell Lowell as a Critic, by Joseph J. Reilly, Ph.D. New York: G. P. Putnam's Sons. $1.25 net.

THE subject of this book is one of those, not important in themselves, which lead readily into subjects that are important. Mr. Reilly's method is unhappily the familiar law-court method of aiming to deliver a "verdict," the verdict in this case being that Lowell "had no philosophic depth of mind," that "if he is to survive, it must be frankly as an impressionist," and that he was "not a critic" at all. By all the commonplaces of criticism, which the author implies but by no means attempts to illuminate, this verdict is one already accepted by everybody, and leaves the real "problem" of Lowell exactly where it was at the outset. For there is a real problem or rather a group of problems connected with Lowell which have a living interest for this generation, problems at bottom not so much literary as historical, psychological and social.

To say that Lowell was "not a critic" is only to scratch the surface. For how then, in the first place, did his critical writings occupy the place they occupied in his generation—a question not to be shelved in the simple way Mr. Reilly shelves it by saying that he had only "Poe, Reed, and Whipple" in the field before him? Why was he taken, why is he still largely taken, as "our national man of letters"? These questions give birth to others, not so pertinent perhaps, but in connection with which alone Lowell still remains of interest. How did it happen, for example, that the nineteenth century, preëminently an age of criticism, produced in America only one critic who was no critic? And how is it to be explained of us, an aggressively individualistic race, that our "national man of letters" should have been, in his own phrase, a "natural Tory"? If Lowell had not existed, it would have been necessary to invent some figure on which to test questions like this which confront every student of the American mind.

Lowell was and has always been in a false position. It is a striking characteristic of American life and in every field of it that owing to the want of any sort of hierarchy in ideas and achievements, minds of an essentially private or provincial scope have national responsibilities thrust upon them. Unequal to these responsibilities, limited persons like this have to accept, and to be accepted with, a certain gravity befitting them as representative, which in the end leads to the most portentous disclosures that they are not what indeed they never imagined themselves to be. Lowell's case is complicated by his having possessed great personal distinction, a natural prestige, and a certain grasp of general public opinion on matters of state. In all these and other respects he was so much an American "of the center" at a time when the "center" itself, so to speak, was distributed among three or four hundred scattered individuals, that he inevitably fell by default into the position of a spokesman, the spokesman of a national culture; and all despite his having, to the end of his life, the whimsical, irresponsible intellect of a Harvard sophomore. A man who could say that Charles de Bernard "knew the Great World far better than Balzac knew it," who wrote Rousseau down "a quack of genius," who said of Goethe's classicism that he "always bought it ready-made," and who explained the later extravagances of Carlyle by saying that "the excitement of making a sensation becomes a necessity of the successful author," all in the dreadful solemnity of print, is a man simply who has not "grown up" as regards literature. It could in fact be shown with precision that, barring Dante and Shakespeare, the more representative an author is, the less Lowell speaks with a representative voice about him.

Typical, on the other hand, of American culture he undoubtedly was, and in no way more typical than as a "natural Tory." His healthy animal appetite for literature, his admirable natural talent for putting words together, his Horatian humors, were never chagrined by that "changed view of life and the world" which made criticism in his generation a serious affair among other peoples. Even the American soul, a phenomenon very unsatisfactory indeed to many persons of this generation, seems to have caused him no sleepless nights. In politics as in everything else he was conveniently Shakespearean. He accepted all classics axiomatically; axiomatically he abhorred all Norwegians, Russians, naturalists, realists, scientists, sociologists, and Coqcigrues in general. "I would not give

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up a thing that had roots to it," he said, "though it might suck up its food from graveyards."

Considerations of this kind do not reflect on the real achievements of Lowell; a passionate delight, a communicated delight, in any great aspect of the human spectacle, of the kind which he had in literature, is fairly entitled to the name or to an equivalent of the name of genius. They are called up by the mere fact of a book being published on a single aspect of a man twenty years dead; eight other works dealing exclusively with Lowell—and all, be it noted, written by New Englanders—having, according to Mr. Reilly's bibliography, already appeared. It is a pity that this last book, which might well be expected to represent an accumulated knowledge and a matured insight, should be purely destructive. For what it destroys is not worth destroying, and it might very easily have thrown light on some of the important intellectual issues.

VAN WYCK BROOKS.

His Subconscious

Vanishing Roads and Other Essays, by Richard Le Gallienne. New York: G. P. Putnam's Sons. $1.50 net.

DO you wish to understand how people feel when they say that sex is a subject to be treated with reserve and austerity and silence? This book of essays by Richard Le Gallienne may help you. Sex rather obsesses him. He writes about it with a soft sumptuousness which is hard to bear. Bosoms obsess him. Put him in a bosomless place and he would miss them and yearn for them as the expatriated Swiss of our childhood yearned for his native mountains.

Mr. Le Gallienne's obsession appears in phrases like the following, chosen at random, as we reviewers say of collections carefully made: "The natural joy of men and women in each other," "an evening star swathed in gaudy convolutions of silk and lace," "her subtly shaped and subtly scented garments," "the darling stockings," "thighed like Artemis," "bosomed like Aphrodite," "Phryne bared her bosom," "the white bosom of Phryne," "such a bosom."

The same obsession appears in this passage, the scene of which is laid in the office of a dictating man: "Never mind how grimly and even brusquely you may be dictating to her specifications for steel rails or the like, little wafts of perfume cannot help floating across to your rolltop desk, and you are a man and she is a woman, for all that . . ."

Bacon, dedicating the 1625 edition of his essays to the Duke of Buckingham, spoke thus: "I doe now publish my Essayes; which, of all my other works, have become most currant: for that, as it seems, they come home to Mens Businesse and Bosomes." Now it is possible to feel the relation of bosoms to business too keenly and too perseveringly. One function of Mr. Gallienne's essays is to bring bosoms home to men in business hours.

Ernest Renan, as is well known to people who know little else about him, once regretted that his youth had been so chaste. Mr. Le Gallienne would spare us regrets of this kind. "And it won't be the days when we *didn't,*" he writes, "that we shall recall with a sense of possession, but the days and nights when we most emphatically *did.* Thank God, we did for once hold that face in our hands in the woodland."

Mr. Le Gallienne's sex-talk and freer-life-talk and bosom-talk make one a little sick of sex. He puts a weapon into the hands of people who want to prevent any increase in frankness. "See," they can say, "what has happened to poor Mr. Le Gallienne. That's where talking about sex lands you." Unfair, of course, for some persons do manage to talk frankly about sex without losing their interest in other things. Not even Mr. Le Gallienne has lost all his other interests. Listen to him on "Marius the Epicurean":

> It is beautiful in many ways. It is beautiful in the uniquely personal quality of its prose, prose which is at once austere and sensuous, simple at once and elaborate, scientifically exact and yet mystically suggestive, cool and hushed as sanctuary marble, sweet-smelling as sanctuary incense; prose that has at once the qualities of painting and of music, rich in firmly visualized pictures, yet moving to subtle, half-submerged rhythms, and expressive with every delicate accent and cadence; prose highly wrought and yet singularly surprising one at times with, so to say, sudden innocencies, artless and instinctive beneath all its sedulous art.

Even in this passage there is something a little cloying, but how sensitive it is, how expressive of a pleasure modelled directly upon each of the qualities Mr. Le Gallienne has perceived in Pater. How such a phrase as "half-submerged rhythms" names for us a something we have felt in Pater and haven't been able to name.

Some day the Le Gallienne mystery may be explained. Then we shall all know what kept him from continuing to express his fine gifts in poetry or in literary criticism. Was it sex? Possibly—but that answer is not really an explanation. Many men with an equally acute interest in sex have succeeded in writing less about it. Few who write so much about it have Mr. Le Gallienne's talent for making his readers weary of the subject.

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—*Springfield Republican*, 5/4/15

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